

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Wednesday, October 26, 2005.

10:00 a.m.

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

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

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

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

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

Pastor Sam Maddox of Light and Life Wesleyan Church of Three Rivers offered the following invocation:

Heavenly Father, I give You praise for who You are. I thank You for the abundant blessings and mercy that You so wonderfully bestow upon our nation and our state. I pray for these men and these women who serve us as duly elected members of the Senate. I ask that You would bless them today as they serve the residents of this wonderful state. Bless our Governor and her family, and bless these families and keep them safe.

Guide them as they come in and as they go out and in their labor today. Give them wisdom that is not their own. May we all be mindful of our fellow man and those in other states of our nation who are dealing with difficulty and adversity. Help us to know that You are abundantly able to help us each moment, even as we seek to help those around about us.

May we be reminded today that everything we have has been given to us by Your gracious hand. May these men and women, as stewards of the trust and resources You have given, use them for the good of our state and for the people they serve, and I will give You thanks and honor and praise.

In the name of Christ, now and forever more. Amen.

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

### Motions and Communications

Senators Clarke, Thomas, Leland and Brater entered the Senate Chamber.

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

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

The following communication was received:  
Office of the Auditor General

October 25, 2005

Enclosed is a copy of the following audit report:  
Financial audit of the Michigan Legislative Retirement System for the period October 1, 2002 through September 30, 2004.

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

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

October 25, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 2:22 p.m. this date, administrative rule (05-10-01) for the Department of Labor and Economic Growth, Director's Office, entitled "*Occupational Health Standards, Part 681. Radiation in construction: Ionizing and Nonionizing*," effective immediately upon filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 25:  
**House Bill Nos. 4777 5257 5297**

Senators Barcia and Emerson entered the Senate Chamber.

### Messages from the Governor

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

**Senate Bill No. 272**

**Senate Bill No. 271**

**Senate Bill No. 264**

**Senate Bill No. 274**

**Senate Bill No. 281**

The motion prevailed.

The following message from the Governor was received and read:

October 25, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Executive Order 1995-11 and 1968 PA 11, MCL 395.302:

#### **Commission on Disability Concerns**

Ms. Rhonda L. Estes of 1023 Nakoma Drive, Traverse City, Michigan 49686, county of Grand Traverse, succeeding Alphonso Swain, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2007.

Mr. Daniel J. Furton of 525 Jessop, Lansing, Michigan 48910, county of Ingham, succeeding Lydia Graber, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2007.

Mr. Clifton Jack Lewis of 5600 Clear Lake Road, North Branch, Michigan 48461, county of Lapeer, succeeding Judge Duncan Beagle, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2008.

Ms. Mary L. Kelley of 39617 Dun Rovin, Northville, Michigan 48167, county of Wayne, succeeding William Axtell, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2007.

Ms. Miranda M. Pelikan of 51766 Wetherbee Road, Marcellus, Michigan 49067, county of St. Joseph, succeeding Ian Minicuci, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2008.

Mr. Jeff D. Reaume of 13313 Gildersleeve, South Rockwood, Michigan 48179, county of Monroe, succeeding Claudia Lee, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2007.

Mr. Brian F. Sheridan of 3434 Euclid Court, Bay City, Michigan 48706, county of Bay, succeeding John Pedraza, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2007.

Mr. Zachary J. Tomlinson of 11487 Haven Street, Clio, Michigan 48420, county of Genesee, succeeding Peter Sundholm, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2008.

Ms. Steffanie D. Webster of 22880 Mayfield, Farmington, Michigan 48336, county of Oakland, succeeding Judith Trapp, whose term has expired, representing the general public, for a term commencing October 25, 2005 and expiring March 5, 2008.

Ms. Catherine E. Smith of 119 West Jefferson Street, Grand Ledge, Michigan 48837, county of Ingham, reappointed to represent the general public, for a term expiring March 5, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 74**

**Senate Bill No. 134**

The motion prevailed.

**Senate Bill No. 175, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

Substitute (H-1).

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

Senator Brown offered the following substitute to the House substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Cherry offered the following amendment to the Senate substitute:

1. Amend page 6, following line 16, by inserting:

**“(E) PAYS AN AVERAGE WEEKLY WAGE TO ITS EMPLOYEES EQUAL TO OR EXCEEDING THE AVERAGE WEEKLY WAGE PAID TO RESIDENTS OF THE COUNTY IN WHICH THE FACILITY IS LOCATED AS DETERMINED BY THE LOCAL GOVERNMENTAL UNIT.”.**

The amendment to the substitute was not adopted.

Senator Schauer 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 not voting therefor, as follows:

**Roll Call No. 529**

**Yeas—18**

Barcia	Clark-Coleman	Olshove	Switalski
Basham	Clarke	Prusi	Thomas
Bernero	Emerson	Schauer	Toy
Brater	Jacobs	Scott	Van Woerkom
Cherry	Leland		

**Nays—20**

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

**Excused—0**

**Not Voting—0**

The question being on the adoption of the substitute, Senator Brown withdrew the substitute.

Senator Brown offered the following substitute to the House substitute:  
Substitute (S-2).

The question being on the adoption of the substitute, Senator Basham offered the following amendment to the Senate substitute:

1. Amend page 6, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 734 of the 93rd Legislature is enacted into law.”.

The amendment to the substitute was not adopted.

### Protests

Senators Cropsey, Johnson, Goschka and George, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Basham to Senate Bill No. 175 (S-2) and moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s first statement is as follows:

I fail to understand the amendment or maybe the intent of the amendment. When we did a lot of the welfare reform in the state of Michigan, one of the key things we did was say if a person goes to work, he wouldn’t lose his insurance benefits from Medicaid and that type of thing. That was a key part of our welfare reform legislation so that people would get off of welfare and go to work and not lose their Medicaid until they had reached enough where it was still an incentive to be in the private sector.

Now, it looks like, from what I can see—and perhaps the sponsor of the amendment can correct me if I’m wrong—he’s trying to undo the welfare reform legislation and say that, you know, if the business doesn’t offer health insurance, then we aren’t going to allow the business to be there. I just don’t understand why this type of legislation or this amendment would be offered; why the legislation would even be put out there that would take away people’s health care benefits and be a disincentive for them to go to work. This just boggles my mind, and I would certainly hope that we would oppose this amendment because this would be rolling back one of the key parts of welfare reform and that was so the working poor could continue to have their health insurance.

Senator Cropsey’s second statement is as follows:

I guess it just boggles my mind that we live in America—in the land of opportunity, the land of freedom, the land where you can go out and you can get a job; the land where if you’re really industrious and you’re a thinker and you know how people operate, you can go out and you can provide jobs and you do it to try to make a profit—a capitalist society. What a great society this is; the best society that we have ever seen that has ever been on the face of the earth; the wealthiest society that has ever been on the face of the earth. And why is that? It’s because we have a government that is a limited government that is supposed to be a limited government and allows people the opportunity to create jobs and to go to work.

On the other side of the aisle, we see an aggressive movement to try and say, first of all, we’re going to try and tell businesses what they’re going to pay. We just defeated the amendment that one of the Senators put up that said we’re going to require businesses to have an average weekly wage and that they’re going to pay such, instead of letting the free market work. Now we have another one that is saying that we’re going to require businesses to offer health insurance. You know, there’s a lot of businesses that cannot afford health insurance. Why? Because of the competition out there. But, yet, if we as a government are saying we’re going to provide a minimum amount of health insurance, then you come right back and you say, however, we’re going to make businesses pay for that health insurance that we’re going to require. You’re requiring businesses to have health insurance? Since when has that ever been dictated by the state or federal government? That’s always been between the employer and the employee to negotiate that type of thing.

I just find it appalling that the other side of the aisle would try and regulate to this extent, to say that you must give such and such compensation at a certain hourly wage and then you must give such and such benefits. We have a minimum wage. We’ve said that is basic, and then we say let the free market enterprise system work after that. Let’s let the free enterprise system work instead of trying to micromanage businesses and job providers because once you try to do that—and this Governor, many times, she has tried to do that—you tell businesses we’re not open for business. The government is going to regulate your business. The government is going to regulate your benefits. The government

is going to regulate your compensation. Business, why don't you just stay out and do everything the government tells you to do? That's not the American way. That might be the way for some people in other countries, but that's not the American way, and I hope that's not the way we do it here in Michigan.

I strongly urge the defeat of the Basham amendment.

Senator Johnson's first statement, in which Senator Cropsey concurred, is as follows:

Just to follow up a little bit on what the Senator from the 33rd District talked a little bit about with regard to welfare reform. I mean, he and I were very much intricate parts of that welfare reform, and only two members on the other side of the aisle were here as we did that, but they can assure you, as was the President, that at the time, there were 244,000 cases; not individuals, cases on welfare.

When we did welfare reform, as a result of the Clinton administration allowing states to do some reform to get people out and active into the community, the first thing we had to acknowledge was that chances were they were going to end up with a low-income job and the first thing they would lose was Medicaid. We believe both sides of the aisle worked on this, and we sincerely believed it was far better for that individual who was stuck at home and staying at home and getting his or her check to become an active member of the community, to get out of the house, to work, to feel pride, to do something. Some of those individuals have worked their way out of the low-income jobs, but those jobs are available for those people.

I've told you before that I had a sister on welfare and, by God, her whole darn family is on it now. It is a perpetuating system and if you coddle and cuddle, that's just what you do. There's another segment that benefits from low-income jobs and gets Medicaid—shame on us—and that's the mentally ill and the disabled. You know, the Wal-Marts of the world provide people with a life. Maybe you don't like it because it's not good enough for you, but go ask them how they feel when they take that check home.

Senator Johnson's second statement, in which Senator Cropsey concurred, is as follows:

I apologize for rising a second time, but I've been reminded of something every one of you voted on. As a matter of fact, it was one of the very first bill-signing ceremonies that Governor Granholm enthusiastically participated in and spoke eloquently about what it was we were doing. It's called the Medicaid buy-in. Individuals who are handicapped, disabled, get SSI and we said they can go out and earn up to \$75,000 a year, be employed—the employer doesn't have to pay their insurance—and they'll still get their SSI, up to \$75,000 a year.

You're contradicting yourself with these statements. In addition to that, I want to also mention that this is about welfare reform. This is about letting people who cannot get out into the job market for various reasons and these are the jobs that they are capable of handling and doing and they have pride in them. I don't see why in the world you're opposed to that. Is it just because it doesn't have a union label?

Senator Goshka's first statement, in which Senator Cropsey concurred, is as follows:

I rise also opposed to this amendment. I appreciate the intent, but I know in my own case, after having been on unemployment and my unemployment running out back in the early '80s, finally, after a long, long, long search, on February 10th of 1984, I finally got employment after a year and a half. I went to a plant where they paid minimum wage. They did not have health care, and frankly, sure, we all want the best that we can get in benefits, etc. I was just so grateful to have a job. I was so very grateful to be able to get up every day and have somewhere legitimate to go. I remember back then I used to work up to 14 hours a day just to get the time and a half to where I could get caught up a little bit on my bills from a year and a half back.

The concern that I have is that with the best of intentions, an amendment like this ultimately will kill jobs in the state of Michigan. It would be wonderful if we could establish something that simply says every employee in this state will receive "x" amount of dollars and they'll get this and that—they'll get that. But I think in the free market, we have to allow that process to work itself out as a company works with its employees. I would like to have a company here that has employees, and I believe, with all due respect, that this amendment would be a job killer.

We cannot afford to send the message to any prospective employer anywhere in this world that we don't want them here—to locate in the state of Michigan. We absolutely want to send the friendliest message possible to employers. We want you to come here and if you see anything glaring in our current laws, our current tax structure, we want to hear from you. If we can work to bring jobs back to this state, that's what we need to be about. Frankly, speaking as a United Steel worker, a former United Food and Commercial worker, I've been on all sides. I've worked in plants where there was no union. I've been in plants where there has been a union. We all want good wages. We all want them for ourselves, for our loved ones, for our friends, and for our neighborhoods. At the same time, it's a free market and we have to let that work itself out.

This legislation, this amendment, although well-intended, ultimately will cost the people you and I represent in this state, people who are laid off right now, here, today—jobless—it will cost them jobs.

Senator Goshka's second statement, in which Senator Cropsey concurred, is as follows:

I rise merely to respond to the previous statements. I don't think this is really a party issue. If you were to test the pulse of every individual, I believe, in this room, regardless of political alliance, I think we truly want what's best for our state: economic vitality; the best for the families of the people we represent. I know when listening to the Senator from the 13th District that she has some experiences firsthand. She cares about people. I know everyone else up here cares about people. I hope that we don't somehow boil this down to an us-versus-them argument—to one party versus another party.

I have to tell you, I grew up, frankly, in a family that grew up thinking that a particular party was the so-called party of the working man. As I got older and realized it's all about issues, I realized that that was a farce, and thankfully, the overwhelming majority of my fraternal brothers and sisters in the unions recognized that very same thing.

Senator George's statement, in which Senator Cropsey concurred, is as follows:

I rise to oppose the amendment, and I would observe that there's a recurring theme here regarding Medicaid. Earlier this year, the solution to our Medicaid woes was to tax physicians. Now we hear it's to create a new business tax to help fund Medicaid, and we also hear calls for national health insurance or for the federal government to bail out our Medicaid woes. I would argue that the problem is not a lack of funding for Medicaid. We spend plenty of money on Medicaid. The problem is we don't get results. We don't get our money's worth. What's needed is reform of the system, not a new payment mechanism. Many of those reforms were proposed by this chamber in our Senate Medicaid budget earlier this year. Unfortunately, most of them were not agreed to by the administration.

One of the arguments that was used in opposing them from the administration was, well, these things would require getting a waiver from the federal government, would require getting federal permission, and we don't think we can do that. I would make the observation that the papers report that the state of Florida recently received a waiver to reform its Medicaid program and the state was given this waiver within 16 days of requesting it. The federal government is looking for Medicaid innovation and they are giving out waivers. It's just too bad we're not standing in line waiting for ours.

We should be leading the way for Medicaid reform. We should be the test case. We've got the worst public health problems right here in our backyard of any state. We should be leading the way, but instead, we're sitting back looking for more ways to throw money at Medicaid, and the problem won't be fixed by creating a new tax on businesses, just like it wouldn't have been fixed with a new tax on doctors and just like it won't be fixed with national health insurance. What's needed is reform of the system. Therefore, I'm going to be opposing the amendment.

The question being on the adoption of the substitute to the House substitute,  
The substitute was adopted.

### **Protest**

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator Brown to Senate Bill No. 175 and moved that the statement he made during the discussion of the substitute be printed as his reasons for voting "no."

The motion prevailed.

Senator Schauer's statement is as follows:

I have great respect for the sponsor of this bill, but I am really perplexed as to where we're going or where this substitute is trying to go. This is like déjà vu with regard to yesterday's conversation about economic policy. Yesterday, we decided to give fast-food franchises a single business tax cut. Today, with this substitute, we're going to give any warehousing facility that is 100,000 square feet or greater a PA 198 tax abatement. Now, I don't know if any of you come from a local governmental background like I did. PA 198 abatements are the industrial facilities tax abatements. Now, local units of government have the ability to provide those. It is permissive, but we know how this works. A company comes before a city council or city commission and says, "Give us our abatements. If you don't, someone else—some other community—will, or some other state will." Ninety percent of the time or more, that company gets the abatement.

If we were talking about the first substitute, I wouldn't be making these same comments because that substitute had limiting language that really did not open this up on such a broad scale. The first substitute actually limited this new eligibility under the PA 198 abatement to properties used for warehousing, distribution, and logistics purposes that provide food for institutional restaurant, hospital, or hotel customers. It further said that that facility must be located within a village—a village—and is within fifteen miles of a Michigan state border. Now, maybe somebody could tell me how many villages are within fifteen miles of the state border. It doesn't even allow for cities, and it said that a building or structure must be greater than 450,000 square feet in size. Now, it sounds to me like the sponsor of that amendment and of the bill had something very specific in mind and didn't want to open this up as broadly as this current substitute does.

This is bad economic policy. It certainly gives me good reason not to vote for this, especially in light of the fact that we're amending PA 198. Now, there used to be commercial facility exemptions. I think it was the old PA 255, if my memory serves me correctly. We got rid of those because it was too broad that commercial businesses that are going to be created in our communities are going to go there anyway. So this is a giveaway. It doesn't make sense. It's bad public policy. I will vote "no" and urge you to vote "no" as well.

The question being on concurring in the House substitute, as substituted,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 530****Yeas—22**

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

**Nays—16**

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

**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2005 PA 118.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Third Reading of Bills**

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

**House Bill No. 5253**

**House Bill No. 4315**

**House Bill No. 4316**

**House Bill No. 4968**

The motion prevailed.



The following bill was read a third time:

**House Bill No. 5253, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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. 531**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

"An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4315, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 (MCL 224.6), as amended by 1982 PA 299.

The question being on the passage of the bill,

Senator Gilbert offered the following amendment:

1. Amend page 2, line 4, after "**COMMISSIONERS.**" by inserting "**THE COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION PROVIDE FOR STAGGERED TERMS OF OFFICE FOR THE ROAD COMMISSIONERS UNDER THIS SUBSECTION SO THAT NOT MORE THAN 2 ROAD COMMISSIONERS' TERMS OF OFFICE EXPIRE IN THE SAME YEAR.**".

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

The question being on the passage of the bill,

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

**Roll Call No. 532****Yeas—32**

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

**Nays—6**

Barcia	Brown	Prusi	Stamas
Birkholz	McManus		

**Excused—0****Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 4316, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

The question being on the passage of the bill,

Senator Gilbert offered the following amendment:

1. Amend page 8, following line 10, by inserting:

**“(3) THE COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION PROVIDE FOR STAGGERED TERMS OF OFFICE FOR THE ROAD COMMISSIONERS UNDER SUBSECTION (1)(D) SO THAT NOT MORE THAN 2 ROAD COMMISSIONERS’ TERMS OF OFFICE EXPIRE IN THE SAME YEAR.”.**

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

The question being on the passage of the bill,

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

**Roll Call No. 533****Yeas—32**

Allen	Clarke	Hardiman	Sanborn
Basham	Cropsey	Jacobs	Schauer
Bernero	Emerson	Jelinek	Scott

Bishop	Garcia	Johnson	Sikkema
Brater	George	Kuipers	Switalski
Cassis	Gilbert	Leland	Thomas
Cherry	Goschka	Olshove	Toy
Clark-Coleman	Hammerstrom	Patterson	Van Woerkom

**Nays—6**

Barcia	Brown	Prusi	Stamas
Birkholz	McManus		

**Excused—0****Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 4968, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1104, 2301, 2519, 2908, 3715, 3804, 3919, 5202, 5204, 5217, 5301, 5308, 5423, 7401, 7502, and 7508 (MCL 700.1104, 700.2301, 700.2519, 700.2908, 700.3715, 700.3804, 700.3919, 700.5202, 700.5204, 700.5217, 700.5301, 700.5308, 700.5423, 700.7401, 700.7502, and 700.7508), sections 1104, 2519, 5202, 5204, 5301, and 5308 as amended by 2000 PA 54, sections 2301 and 3715 as amended by 2004 PA 314, section 5423 as amended by 2000 PA 469, and section 7508 as amended by 2000 PA 177.

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. 534****Yeas—38**

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

**Nays—0****Excused—0**

**Not Voting—0**

In The Chair: President

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

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

“An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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

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

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

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

**Senate Bill No. 764, entitled**

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

**House Bill No. 5149, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11701, 11702, and 11715b (MCL 324.11701, 324.11702, and 324.11715b), sections 11701 and 11702 as amended and section 11715b as added by 2004 PA 381.

**House Bill No. 4729, entitled**

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 4 (MCL 15.324).

**Senate Bill No. 654, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

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. 747, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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. 5148, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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

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

**Senate Concurrent Resolution No. 28**

The motion prevailed.

Senators Birkholz, Brater, Basham, Thomas, Patterson, Switalski, Jacobs, Gilbert, Clark-Coleman, Prusi, Cherry, Hardiman, Clarke, Scott, Barcia, McManus, Van Woerkom, Jelinek, Brown, Stamas, Cropsey, Bishop, Toy, Johnson, George, Goschka, Cassis, Garcia and Allen offered the following concurrent resolution:

**Senate Concurrent Resolution No. 34.**

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the action plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, The action plan includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Switalski offered the following resolution:

**Senate Resolution No. 80.**

A resolution to memorialize the United States Forest Service to make it mandatory that trees and groundcover removed through logging be replanted during the same growing season.

Whereas, In the early 20th century, Michigan timber from the Huron Manistee National Forest provided the bulk of wood that rebuilt Chicago after the Great Fire of 1871. These early logging operations left behind a barren landscape in Michigan's northern lower peninsula.

Whereas, Reforestation—the planting and propagation of trees in deforested areas that have been harvested or clearcut—is a proven success. Trees that were replanted in the Huron Manistee to replace those which were harvested to build Chicago are now growing tall and wide. In addition to establishing new forests, planting trees produces multiple benefits, not the least of which is the protection and improvement of water resources; and

Whereas, Reforestation following tree harvest is a cornerstone of forest sustainability. Sustainable forestry is a management philosophy which incorporates social, environmental, and economic principles to ensure that forest operations meet the needs of the present generation without compromising the needs of future generations; and

Whereas, Prompt reforestation ensures that new forests are in place to prevent soil erosion and protect water quality in streams and lakes. Many species of wildlife, such as quail, rabbit, deer, elk, moose, ruffed grouse, and wild turkey, can be found inhabiting newly established forests which provide them food, shelter, and nesting areas; and

Whereas, Same-season replanting of both trees and groundcover, in addition to other forest management practices, can keep Michigan's forests and the forests of the nation attractive and vital for all generations; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Forest Service to make it mandatory that trees and groundcover removed through logging be replanted during the same growing season; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Agriculture and the Chief of the United States Forest Service.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Barcia, Basham, Brater and Jacobs were named co-sponsors of the resolution.

Senators Birkholz, Brater, Basham, Thomas, Patterson, Switalski, Jacobs, Gilbert, Clark-Coleman, Clarke, Prusi, Cherry, Hardiman, Barcia, Scott, Schauer, McManus, Van Woerkom, Jelinek, Brown, Stamas, Cropsey, Bishop, Toy, Johnson, George, Cassis, Goschka, Garcia and Allen offered the following resolution:

**Senate Resolution No. 81.**

A resolution to memorialize the President and the Congress of the United States not to enact S363, the United States Senate's proposed Ballast Water Management Act of 2005.

Whereas, The Great Lakes are a national treasure and among the most valuable natural resources in the world. The Great Lakes hold 20 percent of the world's surface fresh water and provide drinking water to 40 million people in the United States and Canada, and their coastline stretches over 10,000 miles, as long as the Atlantic and Pacific coastlines of the United States combined. The Great Lakes are a resource for millions of people and are critical to the economic and ecological sustainability of the Great Lakes region and the United States and Canada; and

Whereas, One of the most intense challenges facing the Great Lakes is the threat from aquatic invasive species. Ballast water discharges from ocean-going vessels have enabled a vast number of foreign plants and animals to invade the Great Lakes. Invading species, including the sea lamprey, zebra mussel, round goby, and purple loosestrife, are impairing the entire Great Lakes environment and are affecting recreational and commercial fishing, beaches, municipal and industrial water supplies, and coastal habitat. These invaders are profoundly damaging the entire Great Lakes food web and causing shock to the vast Great Lakes ecosystem; and

Whereas, With 3,288 miles of Great Lakes shoreline, Michigan is on the front lines of the battle against aquatic invasive species. With overwhelming support and unanimity, the State Legislature and the Governor recently enacted two important pieces of legislation. House Bill 4603 and Senate Bill 332 (Public Acts 32 and 33 of 2005) establish a permit program for ballast water discharges in Michigan's waters and facilitate the formation of an aquatic nuisance coalition with other Great Lakes states. As a state that has suffered tremendously because of aquatic invasive species released into the lakes through the discharge of ballast water, Michigan is trying diligently to prevent any new species from invading the Great Lakes; and

Whereas, Legislation in Congress, S.363, the Ballast Water Management Act of 2005, would preempt state efforts to control the release of aquatic invasive species into the Great Lakes. This bill provides that ships entering the Great Lakes would not have to meet any type of ballast water standards until at least 2016. Furthermore, it would exempt

many ships from having to exchange ballast water prior to entering the Great Lakes, would exempt the discharge of pollutants from ballast water from regulation under the federal Clean Water Act, and would preclude Michigan from taking stronger action to protect the Great Lakes from invasive species; and

Whereas, Denying Michigan and other Great Lakes states the ability to act to prevent the spread of invasive species in the Great Lakes would be a dangerous precedent, would waste precious time, and would cost the Great Lakes states billions of dollars. Aquatic invasive species are already costing the Great Lakes region over \$5 billion per year in damages, and new invasive species such as the Asian carp threaten to cause more devastation and cost billions more. From both environmental and economic standpoints, we simply cannot afford to delay taking action to protect the most important source of fresh water in the nation; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States not to enact S363, the United States Senate's proposed Ballast Water Management Act of 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Brater, Birkholz, Basham, Thomas, Patterson, Switalski, Jacobs, Gilbert, Clark-Coleman, Prusi, Cherry, Hardiman, Clarke, Scott, Barcia, Schauer, Olshove, McManus, Van Woerkom, Jelinek, Brown, Stamas, Cropsy, Bishop, Toy, Johnson, George, Goschka, Cassis, Garcia and Allen offered the following resolution:

**Senate Resolution No. 82.**

A resolution to memorialize the President and the Congress of the United States not to enact the Ballast Water Management Act of 2005.

Whereas, The Great Lakes are a national treasure and among the most valuable natural resources in the world. The Great Lakes hold 20 percent of the world's surface fresh water and provide drinking water to 40 million people in the United States and Canada, and their coastline stretches over 10,000 miles, as long as the Atlantic and Pacific coastlines of the United States combined. The Great Lakes are a resource for millions of people and are critical to the economic and ecological sustainability of the Great Lakes region and the United States and Canada; and

Whereas, One of the most intense challenges facing the Great Lakes is the threat from aquatic invasive species. Ballast water discharges from ocean-going vessels have enabled a vast number of foreign plants and animals to invade the Great Lakes. Invading species, including the sea lamprey, zebra mussel, round goby, and purple loosestrife, are impairing the entire Great Lakes environment and are affecting recreational and commercial fishing, beaches, municipal and industrial water supplies, and coastal habitat. These invaders are profoundly damaging the entire Great Lakes food web and causing shock to the vast Great Lakes ecosystem; and

Whereas, With 3,288 miles of Great Lakes shoreline, Michigan is on the front lines of the battle against aquatic invasive species. With overwhelming support and unanimity, the State Legislature and the Governor recently enacted two important pieces of legislation. House Bill 4603 and Senate Bill 332 (Public Acts 32 and 33 of 2005) establish a permit program for ballast water discharges in Michigan's waters and facilitate the formation of an aquatic nuisance coalition with other Great Lakes states. As a state that has suffered tremendously because of aquatic invasive species released into the lakes through the discharge of ballast water, Michigan is trying diligently to prevent any new species from invading the Great Lakes; and

Whereas, Legislation in Congress, S.363, the Ballast Water Management Act of 2005, would preempt state efforts to control the release of aquatic invasive species into the Great Lakes. This bill provides that ships entering the Great Lakes would not have to meet any type of ballast water standards until at least 2016. Furthermore, it would exempt many ships from having to exchange ballast water prior to entering the Great Lakes, would exempt the discharge of pollutants from ballast water from regulation under the federal Clean Water Act, and would preclude Michigan from taking stronger action to protect the Great Lakes from invasive species; and

Whereas, Denying Michigan and other Great Lakes states the ability to act to prevent the spread of invasive species in the Great Lakes would be a dangerous precedent, would waste precious time, and would cost the Great Lakes states billions of dollars. Aquatic invasive species are already costing the Great Lakes region over \$5 billion per year in damages, and new invasive species such as the Asian carp threaten to cause more devastation and cost billions more. From both environmental and economic standpoints, we simply cannot afford to delay taking action to protect the most important source of fresh water in the nation; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States not to enact S.363, the Ballast Water Management Act of 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

### **Senate Concurrent Resolution No. 30.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

(For text of resolution, see Senate Journal No. 86, p. 1740.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

### **Senate Concurrent Resolution No. 31.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

(For text of resolution, see Senate Journal No. 86, p. 1741.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

### **Senate Concurrent Resolution No. 32.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building.

(For text of resolution, see Senate Journal No. 86, p. 1742.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

## **Introduction and Referral of Bills**

Senators Switalski and Goschka introduced

### **Senate Bill No. 845, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12f of chapter XVII (MCL 777.12f), as amended by 2003 PA 134.

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

Senators Switalski and Goschka introduced

### **Senate Bill No. 846, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 319b, 625, 625a, 625i, 625n, and 904d (MCL 257.319, 257.319b, 257.625, 257.625a, 257.625i, 257.625n, and 257.904d), section 319 as amended



by 2004 PA 362, section 319b as amended by 2004 PA 495, section 625 as amended by 2004 PA 62, sections 625a, 625i, and 904d as amended by 2003 PA 61, and section 625n as amended by 1998 PA 349.

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

Senators Jelinek, Kuipers, Goschka, Van Woerkom and Allen introduced

**Senate Bill No. 847, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81129 (MCL 324.81129), as amended by 2003 PA 111.

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

**House Bill No. 4777, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922 (MCL 600.2922), as amended by 2000 PA 56.

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. 5257, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 78 (MCL 41.78), as amended by 1989 PA 77.

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 Local, Urban and State Affairs.

**House Bill No. 5297, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d.

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

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

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Well, I have a few things from my website today. The first one, this one comes from Detroit: "I think insurance rates should be rated by our driving record."

The next one is from Detroit: "I believe since the inception of the Michigan no-fault law, we citizens in Detroit have been unfairly penalized for outsiders who choose to defraud insurance companies by falsifying insurance claims and using Detroit as a means to accomplish the task. Detroit residents have been the victim in both automobile and residential insurance rates too long. I appreciate the efforts of the Martha Scotts in the legislature who are finally attempting to rectify the situation."

The next one comes from Lansing: "My cars and I are getting older and older, but my insurance rates continue to go up without any moving violations or accidents."

The next one: "Senator Scott, thank you so much for your effort to roll back auto insurance costs. When I moved to Detroit in 1976, I had a hard time even getting insurance. When I told an agent I thought he might be redlining, he says, 'I don't care what you call it, I'm not selling you insurance!' Now I'm a 57-year-old with a perfect driving record, so is my husband and daughter, but we're paying exorbitant rates. The insurance companies want to make super profits. Thank you so much for standing up to them."

Senator McManus stated that had she been present on October 25 when the votes were taken on the passage of the following bills, she would have voted "yea":

**House Bill No. 5108**

**House Bill No. 4980**

**House Bill No. 5106**

**House Bill No. 5107**

**House Bill No. 5095**

**House Bill No. 5097**

**House Bill No. 5096**

Senator Jacobs' statement is as follows:

Yesterday, according to the Pentagon, the American military death toll in Iraq reached 2,000. Sadly, as I drove to work today, I found that that number went to 2,001 and that we lost yet another soldier from Michigan.

Today, I offer you the words of Franklin Delano Roosevelt which he recorded for an April 13, 1945, radio broadcast. He died the day before the broadcast, so his words serve, in effect, as a sort of epitaph. In his message he said, "More than an end to wars, we want an end to the beginnings of all wars."

Hold tight to that thought, my friends, and may God bless the families and loved ones of all those who serve.

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Agriculture submitted the following:

Joint meeting held on Tuesday, October 25, 2005, at 9:00 a.m., Room 426, Capitol Building

Present: Senators Brown (C) and Barcia

Excused: Senator Jelinek

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, October 25, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, Schauer and Olshove

Excused: Senator McManus

### **Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, October 27, 9:00 a.m., Room 110, Farnum Building (373-1635)

#### **Appropriations -**

##### **Subcommittee -**

**Higher Education** - Wednesday, November 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Banking and Financial Institutions** - Thursday, October 27, 12:00 noon, Room 100, Farnum Building (373-2417)

**Michigan Capitol Committee** - Tuesdays, November 8 (CANCELED) and November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

**Senate Fiscal Agency Board of Governors** - Thursday, October 27, 9:00 a.m., Room S-101, Capitol Building (373-0797)

**Senior Citizens and Veterans Affairs** - Wednesday, November 2, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:33 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, October 27, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

