

No. 5
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, February 1, 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—excused
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

Rabbi Eric Yanoff of Congregation Shaarey Zedek of Southfield offered the following invocation:

“V’eileh ha-Mishpatim”—these are the rules to live by. With these words this week, we reach a critical transition in the weekly cycle of biblical readings in the synagogue. Last week’s narrative section culminated with a spectacle of the constitution of a nation through the giving of the Law at Mount Sinai, and that portion of the text concluded with a description of the altar with which Israel would worship God.

But this week, we read: “V’eileh ha-Mishpatim”—these are the rules, the detailed guidelines, by which a people will live ethical, upright lives. And why do such ethical principles immediately follow the description of the altar in the Torah? The rabbis teach us: “In times when there is no actual altar, we must worship by building a just, moral, and ethical society.”

And so we pray: That the good work done in this chamber serve as a worthy offering of morals and direction and vision for the future of the state of Michigan; that the rules and courageous debates and decisions here today result in the building blocks of a just society—a community that embraces freedom, promotes mutual respect, and works for a better future.

God, bless the leaders of our state with the wisdom to declare, “V’eileh ha-Mishpatim”—these are the guidelines to advance the cause of a just society. Amen.

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

Motions and Communications

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

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

The Secretary announced that the following official bills were printed on Thursday, January 27, and are available at the legislative Web site:

Senate Bill Nos.	56	84	85	86	87	88	89	90	92	93	94	95	96	97
	98	99	100	101										

The Secretary announced that the following official bills and joint resolutions were printed on Friday, January 28, and are available at the legislative Web site:

Senate Bill Nos.	91	102	103	104	105	106	107	108	109	110	111	112		
House Bill Nos.	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
	4015	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028
	4029	4030	4031	4032	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042
	4043	4044	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055	4056
	4057	4058	4059	4060	4061	4062	4063	4064	4065	4066	4067	4068	4069	4070
	4071	4072	4073	4074	4075	4076	4077	4078	4079	4080	4081			

House Joint Resolutions **A** **B**

Messages from the Governor

The following messages from the Governor were received and read:

January 27, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 213 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18:

Worker’s Compensation Board of Magistrates

Mr. John J. Rabaut of 830 Lincoln, Grosse Pointe, Michigan 48230, county of Wayne, succeeding Michael Harris, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1 of 1963 PA 48 (2nd Ex. Sess.), MCL 390.551:

Central Michigan University Board of Control

Ms. Marilyn French Hubbard, Ph.D., of 1955 Tuckaway Drive, Bloomfield, Michigan 48302, county of Oakland, succeeding James Fabiano, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Sambasiva R. Kottamasu, M.D., of 12 Lumbermen Way, Saginaw, Michigan 48603, county of Saginaw, succeeding Melanie Reinhold Foster, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1949 PA 114, MCL 390.802:

Ferris State University Board of Control

Mr. George J. Menoutes of 6036 Mapleridge Drive, Flint, Michigan 48532, county of Genesee, succeeding Louis J. Meuwenberg, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Ronald E. Snead of 14089 Sassafras Court, Greenville, Michigan 48838, county of Kent, succeeding Bruce Parsons, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1960 PA 120, MCL 390.842:

Grand Valley State University Board of Control

Ms. Noreen K. Myers of 1019 East Main, Lowell, Michigan 49331, county of Kent, succeeding John Kennedy, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Ms. Kate Pew Wolters of 2260 Cascade Springs Drive, Grand Rapids, Michigan 49546, county of Kent, succeeding Karen Henry Stokes, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1 of 1963 PA 48 (2nd Ex. Sess.), MCL 390.551:

Northern Michigan University Board of Control

Mr. Brian Douglass Cloyd of 43 Oswego, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding Mary Lincoln Campbell, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Jon G. LaSalle of 1942 Neidhart Avenue, Marquette, Michigan 49855, county of Marquette, succeeding Scott Holman, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 2 of 1885 PA 70, MCL 390.352:

Michigan Technological University Board of Control

Ms. Martha K. Richardson of 1123 Yorkshire, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Claude Verbal, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Ms. Kathryn I. Clark, Ph.D., of 1611 Harbal Drive, Ann Arbor, Michigan 48105, county of Washtenaw, reappointed to represent the general public, for a term expiring December 31, 2012.

January 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1 of 1963 PA 48 (2nd Ex. Sess.), MCL 390.551:

Western Michigan University Board of Control

Mr. Dennis W. Archer of 8162 East Jefferson, Unit 11B, Detroit, Michigan 48214, county of Wayne, succeeding Birgit Klohs, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Mr. Larry F. Tolbert of 1528 Northampton Road, Kalamazoo, Michigan 49006, county of Kalamazoo, succeeding Vernice Anthony, whose term has expired, representing the general public, for a term commencing January 28, 2005 and expiring December 31, 2012.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 28, 2005

Due to an oversight on the October 26, 2004 letter filed with your office pursuant to Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322, please be advised of the following correction:

Public School Employees' Retirement Board

Mr. William J. Lawson, Jr., of 8529 North Territorial, Plymouth Michigan 48170, county of Washtenaw, succeeding John Cook, whose term has expired, representing members who retired from a finance or operations management position and a member of the largest organization of retirants, for a term commencing October 26, 2004 and expiring March 30, 2007.

January 28, 2005

Due to an oversight on the January 20, 2005 letter filed with your office pursuant to Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322, please be advised of the following correction:

Public School Employees' Retirement Board

Mr. Edwin E. Martinson of 418 Midland Avenue, Ironwood, Michigan 49938, county of Gogebic, succeeding Mark Pontti, who has resigned, representing an elected member of a reporting unit's board of control, **for a term commencing January 20, 2005 and expiring March 30, 2005 and reappointed for a term commencing March 31, 2005 and expiring March 30, 2008.**

Sincerely,
Jennifer M. Granholm
Governor

The messages were referred to the Committee on Government Operations.

Senators Kuipers and Bernero entered the Senate Chamber.

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 113, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1307a, 1314, 1320, 1333, 1334, 1335, 1337, 1343, 1346, and 1348 (MCL 600.1307a, 600.1314, 600.1320, 600.1333, 600.1334, 600.1335, 600.1337, 600.1343, 600.1346, and 600.1348), sections 1307a, 1320, 1333, 1334, 1335, 1337, 1343, and 1346 as amended by 2004 PA 12 and section 1348 as amended by 1982 PA 234, and by adding section 1344a.

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

Senator Clarke introduced

Senate Bill No. 114, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 217, 762, and 1060 (MCL 450.1217, 450.1762, and 450.2060), sections 217 and 762 as amended by 1997 PA 118 and section 1060 as amended by 2003 PA 106, and by adding section 745.

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

Senator Clarke introduced

Senate Bill No. 115, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 206, 502, and 707 (MCL 450.4206, 450.4502, and 450.4707), section 206 as amended and section 707 as added by 1997 PA 52 and section 502 as amended by 2002 PA 686, and by adding section 708.

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

Senators McManus, Basham, George, Jelinek, Cropsey, Sanborn, Kuipers, Van Woerkom, Allen, Garcia, Goschka and Birkholz introduced

Senate Bill No. 116, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80102 and 80124 (MCL 324.80102 and 324.80124), as added by 1995 PA 58.

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

Senator Switalski introduced

Senate Bill No. 117, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2004 PA 396.

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

Senators Johnson, Bishop, Sanborn, Toy, Patterson, Switalski and Olshove introduced

Senate Bill No. 118, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 10, and 12 (MCL 207.623, 207.630, and 207.632), section 12 as amended by 2002 PA 237.

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

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

Senate Bill No. 119, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending the title and sections 4, 5, 6, and 10 (MCL 18.354, 18.355, 18.356, and 18.360), as amended by 1996 PA 519, and by adding section 5a.

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

Senators Johnson, Birkholz, McManus, Hammerstrom, Jacobs, Cherry, Scott, Toy and Brater introduced

Senate Bill No. 120, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

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

Senator Hammerstrom introduced

Senate Bill No. 121, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

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

Senators Brater, Basham, Jacobs, Patterson, Cherry, Scott, Clark-Coleman, Olshove, Clarke and Leland introduced **Senate Bill No. 122, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

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

Senators Brater, Birkholz, Prusi, Cherry, Olshove, Thomas, Basham, Schauer, Jacobs, Scott, Switalski, Clarke, George, Van Woerkom, Patterson, Allen, Hardiman, Jelinek, McManus and Toy introduced

Senate Bill No. 123, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the heading of part 172 and by adding section 17204.

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

Senators Birkholz, Brater, Prusi, Cherry, Olshove, Thomas, Basham, Schauer, Jacobs, Scott, Switalski, Clarke, George, Van Woerkom, Patterson, Allen, Hardiman, Jelinek, McManus and Toy introduced

Senate Bill No. 124, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and section 17201 (MCL 324.17201), as added by 2002 PA 578, and by adding section 17205.

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

Senators Van Woerkom and Kuipers introduced

Senate Bill No. 125, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Senators Jelinek, Brown, Garcia, Kuipers, Goschka, Basham, Hardiman, Allen and Sanborn introduced

Senate Bill No. 126, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," (MCL 32.271 to 32.274) by adding section 3a.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Hardiman, Garcia, Jelinek, Basham, Bernero, Brown, Goschka, Allen, Clark-Coleman, George, Kuipers, Cherry, Jacobs, Stamas, Toy and Bishop introduced

Senate Bill No. 127, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 360a.

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

Senators Sanborn, Birkholz, Thomas, Garcia, Patterson, Barcia, Clarke, Cropsey, Jelinek, Goschka and Allen introduced

Senate Bill No. 128, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

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

Senators Sanborn, Birkholz, Garcia, Patterson, Cropsey and Goschka introduced

Senate Bill No. 129, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2b to chapter XI.

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

Senators Sanborn, Kuipers, Birkholz, Garcia, Barcia, Cropsey, Jelinek, Cassis, Goschka and Allen introduced
Senate Bill No. 130, entitled

A bill to require persons convicted of certain offenses to disclose those offenses before coaching youth; and to provide penalties.

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

Senators Sanborn, Kuipers, Birkholz, Hardiman, Garcia, Barcia, Clarke, Cropsey and Goschka introduced
Senate Bill No. 131, entitled

A bill to prohibit publicly displaying or playing sexually explicit matter; and to provide penalties.

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

Senators Sanborn, Birkholz, Thomas, Garcia, Barcia, Bishop, Patterson, Clarke, Cropsey, Brown, Jelinek, Cassis, Goschka and Allen introduced

Senate Bill No. 132, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2975.

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

Senators Sanborn, Kuipers, Birkholz, Barcia, Cropsey, Jelinek, Cassis, Goschka and Allen introduced

Senate Bill No. 133, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u.

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

Senators Cassis, Goschka, Jacobs, Kuipers, Toy, McManus, Olshove, Jelinek and Cropsey introduced

Senate Bill No. 134, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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

Senators Cassis, Goschka, Olshove, McManus, Hardiman and Cropsey introduced

Senate Bill No. 135, 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 George, Kuipers, Basham, Jelinek, Hardiman, Garcia, Goschka, Birkholz, Van Woerkom, Allen, Cherry, Jacobs, Brater and Toy introduced

Senate Bill No. 136, entitled

A bill to prohibit the issuance and use of false academic credentials; to prohibit false claims concerning academic credentials; to provide for the powers and duties of certain state officials; and to prescribe civil sanctions.

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

Senator Cropsey introduced

Senate Bill No. 137, entitled

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710).

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I must say that I do not think there is a single person in this state who doesn't know that Senator Martha G. Scott is fighting for change in our insurance system.

This month is real important to me, as every day is, really, but we celebrate February as Black History Month. One of us is not free until all of us are free. It's not just about our color, as Martin Luther King said; it's about giving justice to everyone. I hope that we will do that this month, that we will take up the bills that will give equity to everyone, not just some who are very privileged to live in certain zip codes, but to all of us. So I am hoping that my colleagues will do this. Since we want to make sure that everybody across this world is free, let us be free here in our pocketbooks.

I have been encouraged and pleased with the letters, e-mails, phone calls, and conversations with individuals who are just as passionate as myself about identifying solutions and working to bring relief for thousands of ratepayers in this state who are paying sky-high premiums.

Whether it's associations, organizations, or companies in the insurance industry or constituents and citizens from across the state, there is little doubt that there is interest from all sides of this issue. I welcome all input, as this is one issue that must be solved, and I need your involvement now and your assistance in the process in order to be successful in my efforts. I look forward to working with you.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, January 27, 2005, at 2:00 p.m., Room 210, Farnum Building

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

Excused: Senator Clark-Coleman

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 3, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations, Joint Senate/House - Thursday, February 10, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Higher Education - Tuesday, February 8, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Banking and Financial Institutions - Thursday, February 3, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, February 3, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Wednesday, February 2, 10:30 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-1801)

Gaming and Casino Oversight - Wednesday, February 2, 1:00 p.m., Room 210, Farnum Building (373-2413)

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

Technology and Energy - Wednesday, February 9, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 2, 2005, at 10:00 a.m.