

No. 11
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, February 15, 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 not present.

Allen—present
Barcia—present
Basham—excused
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

Reverend Dr. Cynthia Landrum of Universalist Unitarian Church of East Liberty of Clarklake offered the following invocation:

There is an old story which goes like this: There was once a great spiritual leader and when the people were in a great time of crisis, he would go to a special spot in the woods, light a fire in a ritual way, and say a prayer. After a time, he died, and his disciple took over. When the people were again in great need, he didn't know the special spot, but he would light the fire in the ritual way and he would say the prayer, and it was enough.

When he died, and the people were once more in a time of need, his disciple didn't know the special spot or the way to light the fire, but he knew the prayer and it was sufficient. When he died, his disciple took over, and once again the people were in great need. He prayed, "Dear God, I don't know the special place and I don't know the sacred fire and I don't know the sacred prayer. But I know the story." And so he prayed and it was enough and it was answered.

We all pray in different ways, and we often use different words for God—God, Yahweh, Allah, and some of us pray to Goddess or to others, but here in this place, we all pray for the needs of the people. May it be sufficient.

Spirit of life, today in this great hall, we pray for the people of Michigan, this country, and the world. We pray especially for the people of this state of Michigan, whom we are all called to serve. We pray alike for Democrats and Republicans, for the rich and the poor, for gay and for straight. We pray for the children and the elderly and all those in between. We pray for all races and religions. We pray also for the First Nations people on whose land we are privileged to stand. We pray for these legislators, that their hearts and minds may hear the calls of justice and the needs of the people.

We give thanks for these halls of democracy, and we give thanks for the openness of spirit as differing minds learn from and listen to one another. We give thanks for the free and responsible search for truth and meaning as it happens here and for the balance of our twin goals of individual rights and community needs.

Here in this hall are great thinkers, the voices of power, the arms of charity and justice. May we be true today to our highest callings, and may it be sufficient.

Blessed be, Ashe, Amen.

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

Recess

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

The motion prevailed, the time being 10:08 a.m.

10:17 a.m.

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

During the recess, Senators Birkholz, Bishop, Jelinek, Kuipers, McManus, Sikkema, Garcia, Stamas, George, Hardiman, Johnson, Brown, Patterson, Cassis, Van Woerkom, Gilbert, Allen and Cropsey entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Commission of Agriculture

Mr. Dale N. Norton, a Republican, of 398 Slisher Road, Bronson, Michigan 49028, county of Branch, succeeding William Pridgeon, whose term has expired, appointed for a term commencing January 7, 2005 and expiring December 31, 2008.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

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

The motion prevailed.

The Secretary announced that the following official bills were printed on Thursday, February 10, and are available at the legislative Web site:

Senate Bill Nos. 175 176 177 178 179 180 181 182
House Bill Nos. 4242 4243 4244 4245 4246 4247 4248 4249 4250

The Secretary announced that the following official bills were printed on Friday, February 11, and are available at the legislative Web site:

House Bill Nos. 4251 4252 4253 4254 4255 4256 4257 4258 4259 4260 4261

The Secretary announced that the following official bills were printed on Monday, February 14, and are available at the legislative Web site:

Senate Bill Nos. 183 184 185 186 187 188 189 190 191 192 193 194 195

Messages from the Governor

The following message from the Governor was received and read:

February 10, 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 Section 202 of The Judges Retirement Act of 1992, 1992 PA 234, MCL 38.2202:

Michigan Judges Retirement Board

Mr. Chris J. Swope of 1402 North Genesee Drive, Lansing, Michigan 48915, county of Ingham, succeeding Lyle Van Houten, whose term has expired, representing the general public, for a term commencing February 10, 2005 and expiring March 31, 2007.

The Honorable Judy A. Hartsfield of 8900 East Jefferson #808, Detroit, Michigan 48214, county of Wayne, succeeding The Honorable Robert Ransom, who has resigned, representing judges who are members of the retirement system, for a term commencing February 10, 2005 and expiring March 31, 2005 and reappointed for a term commencing April 1, 2005 and expiring March 31, 2009.

Sincerely,
 Jennifer M. Granholm
 Governor

The appointments were referred to the Committee on Government Operations.

Senator Goschka entered the Senate Chamber.

Commission of Agriculture

Mr. Dale N. Norton, a Republican, of 398 Slisher Road, Bronson, Michigan 49028, county of Branch, succeeding William Pridgeon, whose term has expired, appointed for a term commencing January 7, 2005 and expiring December 31, 2008.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 7

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy

Cherry
Clark-Coleman

Hardiman

Prusi

Van Woerkom

Nays—0

Excused—1

Basham

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Brater's statement is as follows:

I, too, rise to support the appointment of Mr. Dale N. Norton to the Commission of Agriculture. Mr. Norton's farm is a centennial farm which was established by his great-grandfather, on which he raises corn, soybeans, green beans, tomatoes, wheat, and hay. He has 1,450 sows, which produce about 30,000 pigs a year—that's a lot of work for those sows—and 60 beef cows. He participated in the Michigan Agriculture Leadership Program in the mid-1980s, and he served on the executive committee of the Brand County Farm Bureau.

Mr. Norton was president of the Michigan Parks Producers for two years, and he is a current member of the MSU Veterinary School Advisory Committee.

I would also like to express appreciation of the objectives of Mr. Norton's farm, as expressed in his mission statement for running an environmentally and socially responsible agricultural operation.

I urge your support of this appointment.

Third Reading of Bills

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

Senate Bill No. 170

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 170, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g, 16m, and 16s of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, 777.16m, and 777.16s), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, and section 16s of chapter XVII as amended by 2004 PA 519.

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. 8

Yeas—37

Allen
Barcia

Clarke
Cropsey

Jacobs
Jelinek

Sanborn
Schauer

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

Nays—0

Excused—1

Basham

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 102, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.283) by adding section 20d.

The question being on the passage of the bill,

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

The motion prevailed.

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 George as Chairperson.

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

Senate Bill No. 146, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

The bill was placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senators Jelinek, Garcia, Hardiman, McManus, Switalski, Kuipers, Cropsey, Goschka and Birkholz introduced

Senate Bill No. 196, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1230, 1230a, and 1233 (MCL 380.1230, 380.1230a, and 380.1233), section 1230 as amended by 1993 PA 284, section 1230a as added by 1995 PA 83, and section 1233 as amended by 2000 PA 288.

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

Senators Patterson, Gilbert, Hardiman, Bishop, Brown, Garcia, Kuipers, Hammerstrom, Cropsey, Allen, Birkholz, Goschka and Sanborn introduced

Senate Bill No. 197, 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 Health Policy.

Senators Patterson, Gilbert, Hardiman, Bishop, Brown, Garcia, Kuipers, Hammerstrom, Cropsey, Allen, Birkholz, Goschka and Sanborn introduced

Senate Bill No. 198, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Gilbert, Hammerstrom, Sanborn, McManus, Jelinek, Goschka, Bishop, George, Barcia and Switalski introduced

Senate Bill No. 199, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1021 (MCL 436.2021), as amended by 2002 PA 725.

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 Scott, Leland, Olshove, Clarke and Brater introduced

Senate Bill No. 200, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2106, 2108, 2109, 2110, 2114, and 2127 (MCL 500.2106, 500.2108, 500.2109, 500.2110, 500.2114, and 500.2127) and by adding sections 2103a, 2107a, 2109a, and 2128; and to repeal acts and parts of acts.

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

Senators Scott and Brater introduced

Senate Bill No. 201, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11514, and 11539 (MCL 324.11503, 324.11514, and 324.11539), section 11503 as amended by 1998 PA 466 and section 11514 as amended by 2004 PA 34, and by adding section 11514a.

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

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 stand before you again today as a bold reminder that insurance is on my mind. And, I must say, I am feeling optimistic and hopeful that a resolution will be worked out soon addressing the problems of extremely high insurance rates in our urban areas.

I have introduced several pieces of legislation to serve as a starting point in our negotiations and deliberations on this issue. And I am also happy to see that several of my colleagues have introduced bills seeking remedies to tackle the problem of high auto and homeowners insurance that many of our constituents are now faced with.

Let the debate begin. This legislative body must make insurance reform a top priority and be willing to take a bold stance on bringing meaningful changes to a system that is crippling the livelihood and quality of life for so many.

Committee Reports

The Committee on Education reported

Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 93, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, February 10, 2005, at 2:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, February 10, 2005, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, February 10, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, February 10, 2005, at 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, February 10, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Basham and Bernero

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, February 10, 2005, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Scheduled Meetings

Appropriations - Thursday, February 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, February 17, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senior Citizens and Veterans Affairs - Wednesday, February 16, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, February 16, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:34 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 16, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate