

No. 15
STATE OF MICHIGAN
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REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, February 23, 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—excused
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

Senator Michael Switalski of the 10th District offered the following invocation:

Good morning, Lord. Today is another beautiful day. I don't know if days mean anything to You, but they mean a lot to us. We're mortal, so we only get a few of them. Today is a special day for all Americans. Thank You for this day so many years ago.

It was 60 years ago today that six Marines raised the flag on Mount Suribachi, Iwo Jima. A photo snapped by AP photographer Joe Rosenthal became the most reproduced photograph in history. Three of the men who raised that flag didn't survive the battle. That photo, and the sacrifice of those who died there, has inspired people ever since. In that photo, with the soldiers struggling together to raise the pole and the flag flapping furiously in the divine wind, we saw Your greatest gifts to us. We saw freedom and duty and courage and honor bought at a high price in blood and sacrifice. That image helps us appreciate the time You have granted us. Thank You for this day today.

What will we do with our freedom today? I hope we don't disappoint You and all the people who sacrificed so much. We know we have important work to do. Inspire us to govern with justice and love and to do what is best for the people of Michigan.

Thank You for tomorrow. You must just roll your eyes sometimes. We take it for granted that the sun will rise again and that we'll all wake up tomorrow. We assume we'll get to finish tomorrow what we didn't do today or atone for the things that we did do today.

Lord, we'll make You a deal. If we live this day to the fullest, if we work our hardest and do our best and love each other and make the best possible use out of this day You've given us, then do us one thing—give us another day. Amen.

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

Motions and Communications

Senator Bernero entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 22:
House Bill Nos. 4117 4210

The Secretary announced that the following official bills were printed on Tuesday, February 22, and are available at the legislative Web site:

Senate Bill Nos. 233 234
House Bill No. 4374

Messages from the Governor

The following message from the Governor was received and read:

February 22, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office pursuant to Section 6 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3206:

Michigan Broadband Development Authority Board of Directors

Mr. Larry L. Leatherwood, a Democrat, of 812 Canton Drive, Lansing, Michigan 48917, county of Eaton, succeeding Cyril Moscow, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

Ms. Cyntia N. Zerkowski, a Republican, of 29324 West 12 Mile Road, Farmington Hills, Michigan 48334, county of Oakland, succeeding Suzanne Cole, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing February 22, 2005 and expiring December 31, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Third Reading of Bills

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

Senate Bill No. 171

Senate Bill No. 172

Senate Bill No. 173

Senate Bill No. 174

Senate Bill No. 194

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 171, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 22b.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

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

"(5) AN EMPLOYEE LEASING COMPANY, AS DEFINED IN R 421.190 OF THE MICHIGAN ADMINISTRATIVE CODE, SHALL FILE QUARTERLY WAGE REPORTS AND QUARTERLY UNEMPLOYMENT CONTRIBUTION REPORTS, OR REIMBURSING EMPLOYER QUARTERLY PAYROLL REPORTS, AS THE EMPLOYER OF THE LEASED EMPLOYEES, USING THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION NUMBER OF THE CLIENT EMPLOYER. A CONTRIBUTION RATE SHALL BE CALCULATED FOR EACH EXISTING CONTRIBUTING CLIENT EMPLOYER, OR ASSIGNED BY THE AGENCY AT THE EXISTING CONTRIBUTION RATE OF THE CONTRIBUTING EMPLOYEE LEASING COMPANY, IF THE EMPLOYEE LEASING COMPANY IS A CONTRIBUTING EMPLOYER, OR AT THE APPROPRIATE NEW EMPLOYER RATE FOR THE CLIENT COMPANY'S INDUSTRY IF THE AGENCY DETERMINES IT IS APPROPRIATE. A NEW CLIENT EMPLOYER OF AN EMPLOYEE LEASING COMPANY SHALL RETAIN ITS EXISTING CONTRIBUTION RATE IF THE CLIENT EMPLOYER IS A CONTRIBUTING EMPLOYER. EACH CALENDAR QUARTER IN THE MANNER REQUIRED BY R 421.121 OF THE MICHIGAN ADMINISTRATIVE CODE, THE EMPLOYEE LEASING COMPANY SHALL PAY THE AGENCY THE TOTAL AMOUNT DUE BASED ON THE INDIVIDUAL CONTRIBUTION PAYMENTS OR REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS DUE FROM EACH OF ITS CLIENT EMPLOYERS. WHEN THE CONTRIBUTION PAYMENT IS MADE TO THE AGENCY BY THE EMPLOYEE LEASING COMPANY, THE AGENCY SHALL CERTIFY THAT FACT TO THE INTERNAL REVENUE SERVICE TO PRESERVE THE FULL TAX CREDIT FOR THE EMPLOYEE LEASING COMPANY AGAINST THE TAX IMPOSED BY 26 USC 3301 TO 3311. ANNUALLY, BETWEEN OCTOBER 1 AND OCTOBER 31, AN EMPLOYEE LEASING COMPANY SHALL PROVIDE THE AGENCY WITH A LIST OF ITS CLIENT EMPLOYERS TO ENABLE THE AGENCY TO CERTIFY THE EMPLOYEE LEASING COMPANY FOR THE FEDERAL TAX CREDIT. AN EMPLOYEE LEASING COMPANY SHALL FILE QUARTERLY WAGE REPORTS AND QUARTERLY UNEMPLOYMENT CONTRIBUTION REPORTS AS THE EMPLOYER OF THE LEASED EMPLOYEES UNDER THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION NUMBER OF THE CLIENT EMPLOYER BEGINNING NOT LATER THAN JANUARY 1, 2006." and renumbering the remaining subsections.

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

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 serving not voting therefor, as follows:

Roll Call No. 12

Yeas—16

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Emerson
Jacobs

Johnson
Leland
Olshove
Prusi

Schauer
Scott
Switalski
Thomas

Nays—21

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

Excused—1

Clarke

Not Voting—0

In The Chair: President

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. 13**Yeas—37**

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

Nays—0**Excused—1**

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schauer asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schauer's first statement is as follows:

This is a very important amendment on a very important issue. I do want to again thank the Senate Majority Leader for moving this important issue of closing loopholes in the unemployment insurance trust fund. We have a problem in our state that we are attempting to address. I would again like to commend the chairman of the committee for moving this issue and giving all interested parties a chance to have input on the process.

Unfortunately, without this amendment, we are only fixing about half of the problem. Let's be clear what this bill and what this amendment is attempting to do. First of all, the federal government has passed a federal law saying that states have to create SUTA dumping laws. The federal government and President Bush have determined that state law is allowing cheaters to cheat. Businesses are, in some cases, running scams, being trained by consultants, making money, teaching them how to avoid payment of unemployment taxes. These are schemes that are costing the unemployment trust fund between \$62 - \$95 million a year. We are attempting to address this problem.

Unfortunately, there is a phenomena where businesses are moving payroll in and out of PEOs or Professional Employment Organizations. These PEOs are providing, in most cases, very legitimate functions for these companies, but without this amendment to track that employment history, we are only solving about half of the problem.

So a vote against this amendment is a vote to allow cheaters to continue to cheat. We should all stand for that, and I would urge a "yes" vote for this amendment.

Senator Schauer's second statement is as follows:

I do appreciate and value this substantive debate. It is good to hear from a couple of members who are passionate about business growth, members who weren't able to hear in committee the passion expressed by a few very important groups that happened to disagree with their opposition, their apparent opposition, to this amendment. When I argued this amendment in committee, I was very clear that this was not an anti-PEO amendment. I spoke very clearly to this amendment and the issue in committee after hearing from concerns by the Michigan Manufacturers Association. The Michigan Manufacturers Association cares very much about job growth. They care very much about revitalizing our manufacturing sector. They care very much about a fair tax climate. This is an issue of fairness. The MMA was not the only group that spoke in favor of this amendment. The Michigan Retailers Association is very concerned as well. Kelly Services, who, in fact, as part of their business, does offer a PEO service. They were actually there in Washington when the federal law was passed.

Members, my point is this—and I want to be very clear, especially in response to the last speaker—what this amendment provides is a reporting mechanism. It is purely a reporting mechanism that gives the unemployment insurance agency the information they need to determine who is properly using our tax code; who is properly using tax expenditures that are lawful and ethical and appropriate. This amendment purely provides the information for the agency to determine who, in fact, is cheating and is participating in one of these SUTA dumping scams that one of the previous speakers spoke to. So it is very important to the point of tax loopholes that Senator Cropsey mentioned.

We ought to be looking at tax expenditures. In fact, the *Price of Government* book, that I'm sure we've all read by now, talks about that. In fact, the Governor in her budget proposes that we look at several tax expenditures that I hope that the chair of the Senate Finance Committee takes up in an expeditious way.

This important issue of SUTA dumping we should all be concerned about. One reason, without this amendment, it is very likely that businesses would again forego a reduction in their unemployment taxes. Last year, businesses had to forego a 10 percent credit or reductions in their unemployment taxes because of SUTA dumping scams that are going on all over our state.

This is a pro-business amendment, and this also helps to ensure an adequate safety net when workers in our district are unemployed and need to access this fund. I would again urge your support of this important amendment.

The following bill was read a third time:

Senate Bill No. 172, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

The question being on the passage of the bill,

Senator Basham offered the following amendments:

1. Amend page 2, line 16, after the second "account," by striking out "and".
2. Amend page 2, line 17, after "account" by inserting a comma and "**AND (4) A SUTA DUMPING ACCOUNT**".
3. Amend page 6, following line 19, by inserting:

"(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ALL CONTRIBUTIONS AND REIMBURSEMENT PAYMENTS IN LIEU OF CONTRIBUTIONS PREVIOUSLY UNPAID AS A RESULT OF

A METHOD USED BY AN EMPLOYER TO AVOID OR EVADE THE PAYMENT OF UNEMPLOYMENT TAXES, AS DESCRIBED IN SECTION 22(B), AND RECOVERED UNDER THAT SECTION, SHALL BE DEPOSITED IN THE UNEMPLOYMENT COMPENSATION FUND CREDITED TO THE SUTA DUMPING ACCOUNT. MONEY IN THE SUTA DUMPING ACCOUNT SHALL BE USED TO FUND BENEFITS AS PROVIDED IN THIS SECTION.

(I) IF FUNDS ARE AVAILABLE IN THE SUTA DUMPING ACCOUNT, DURING A WEEK WHEN THE TOTAL UNEMPLOYMENT RATE IN THIS STATE EQUALS OR EXCEEDS 5.0%, THE MAXIMUM WEEKLY UNEMPLOYMENT BENEFIT AMOUNT AS PROVIDED IN SECTION 27(B) SHALL BE INCREASED BY \$30.00. THE ADDITIONAL UNEMPLOYMENT BENEFITS PAID AS A RESULT OF THE INCREASE UNDER THIS SUBDIVISION SHALL BE CHARGED TO THE SUTA DUMPING ACCOUNT.

(J) THE AGENCY SHALL DEVELOP PROCEDURES TO IMPLEMENT THE PAYMENT OF BENEFITS FROM THE SUTA DUMPING ACCOUNT.”

The question being on the adoption of the amendments,

Point of Order

Senator Allen raised the Point of Order that the amendment offered by Senator Basham to Senate Bill No. 172 was not germane to the bill because it was an amendment by reference to a section that is not contained in the bill.

The President, Lieutenant Governor Cherry, ruled that the amendment was germane.

Senator Hammerstrom appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members not voting therefor.

Senator Schauer requested the yeas and nays.

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

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members present not voting therefor, as follows:

Roll Call No. 14

Yeas—15

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

Nays—22

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

Excused—1

Clarke

Not Voting—0

In The Chair: President

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. 15**Yeas—36**

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

Nays—1

Emerson

Excused—1

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Emerson, under his constitutional right of protest (Art. 4, Sec. 18), protested against passage of Senate Bill No. 172.

Senator Emerson's statement is as follows:

I voted "no" on Senate Bill No. 172 because of the unwillingness of the majority to debate the merits of amendments that were properly before this body, cited both by *Mason's* and a number of previous Senate rulings. We had an appropriate amendment before this body that would have raised unemployment benefits by \$30 when the unemployment rate is over 5 percent. Michigan is long-suffering with a high unemployment rate that started in the last administration, has carried through the last several years, and we believe that it is long overdue that those people who are unemployed be given additional money to meet the cost of rising utility costs and gasoline prices and other things that are necessary for them to survive and look for other work.

Therefore, I voted "no" on that bill because of the refusal of the majority to even debate and take votes on the legitimate amendments that were before this body.

The following bill was read a third time:

Senate Bill No. 173, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

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. 16**Yeas—37**

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

Nays—0**Excused—1**

Clarke

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. 174, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41).

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. 17**Yeas—37**

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schauer's statement is as follows:

I rise to support Senator Olshove's bill and support to keep this entire package moving. It is a work in progress, particularly relating to the PEO amendment that was not successful earlier, but I hope that keeping this package moving that there can be some changes that come back from the other chamber.

The following bill was read a third time:

Senate Bill No. 194, entitled

A bill to amend 2004 PA 402, entitled "Armed forces commemoration act," by amending section 2 (MCL 435.342).

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. 18**Yeas—37**

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

Nays—0**Excused—1**

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Hammerstrom moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Concurrent Resolution No. 7

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

Senator Switalski offered the following concurrent resolution:

Senate Concurrent Resolution No. 7.

A concurrent resolution offered as a memorial for John T. Bowman, former member of the Senate and the House of Representatives.

Whereas, The members of the Michigan Legislature were saddened to learn of the passing of John T. Bowman, who served the people of this state as a lawmaker for 22 years. His long and distinguished record working on behalf of his Macomb County community was marked by his leadership and hard work during an era of great change for our state. We extend our sincere condolences to his family; and

Whereas, Like so many men of his generation, John Bowman learned the value of public service and patriotism at an early age. He served our country in the Navy during World War II. A former Justice of the Peace who studied at Wayne State University, John Bowman worked in public relations prior to embarking upon elective office. In 1954, he was elected to the first of his four consecutive terms in the Michigan House of Representatives, and in 1963, he brought his talents and experiences to the Michigan Senate, where he served until 1977; and

Whereas, John Bowman's career as a lawmaker coincided with the modernization of our state government and the institution of the Legislature in many ways. He served during the period that saw the people of Michigan adopt and the Legislature implement the 1963 Constitution. Mr. Bowman's influence was widely acknowledged at the Capitol, and his work, especially as the chair of the Senate Taxation Committee, contributed to a great deal of significant public policy decisions. His leadership also included his tenure as the President Pro Tempore of the Senate; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of John T. Bowman, who served this state as a lawmaker for 22 years; and be it further

Resolved, That copies of this resolution be transmitted to the Bowman family as evidence of our sympathies.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

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

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

By unanimous consent the Senate proceeded to the order of
Statements

Senators Cropsey, Sanborn, Switalski, Cassis, Johnson and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's statement is as follows:

It is with great sadness to see a gentleman like John Bowman pass from us. I was only two years old when he was first elected to the Legislature. I didn't get to know Mr. Bowman until after he went into the lobby corps and I was elected to the State Senate. I worked very closely with Mr. Bowman. He was a lobbyist for the Osteopathic Association at the time. And at that time, insurance rates for medical practitioners were just going through the roof. He was a lobbyist, and he came to me as chairman of the Judiciary Committee at the time and said that we need to do something on the insurance rates for doctors in this state. I thought it was rather interesting, as a new Senator, as a conservative Republican, to be working with a former Democratic Senator, but we worked very closely together. He was a great strategic thinker.

I just remember on several of the trips that we went on together throughout the state where we had hearings on the medical malpractice issue, John Bowman always had his act together. He knew what he was going to do, he knew how to do it, and he did it in such a gentlemanly and professional way. I remember him as always being very generous and very jovial. He would always have a story or a joke to tell, but he was always foremost a gentleman.

I just enjoyed John Bowman, and I will always remember him as being kind of like the grandfather who led a new legislator into the ropes of a very controversial issue and coming out okay afterwards. I just really appreciate John Bowman.

Senator Sanborn's statement is as follows:

I have known John Bowman my entire life. He became a close friend of my family when he served in the Michigan Legislature in the 1950s with my father. John was a Democrat, and he drove every day to Lansing with fellow Democrat George Steeh; also in that car was State Representative Kenneth Sanborn—yes, a Republican. John, my father, and George Steeh. All three also roomed together at the Olds Hotel, and they remained close friends for over 50 years after their careers in the Legislature.

I know that John would be very proud of the fact that this tribute is being done by members of this esteemed body from both sides of the aisle, since John would never let a person's political affiliation obscure their true character.

John's career as an elected official ended when he lost to a young man named Dave Bonior from Macomb County when he ran in a primary for Congress. He remained close to Michigan, though working as a lobbyist and an advisor.

I know John Bowman was immensely proud of having served in the Michigan Legislature, and I'm sure that he had very few regrets about his career. I know that one of them, though, was attempting to teach this young legislator at the age of 17 how to golf. I'm certain that the Senator from the 7th District can attest to that. I know, though, that he was not regretful of any attempts that he made to improving Michigan.

John's dedication to helping the citizens of Michigan through his public service was bested only by his dedication to his family, his wife Mary of 63 years, their daughter Darryl, and their granddaughter Courtney. Although John moved to Tennessee nearly twenty years ago to enjoy his retirement, his heart and mind remained in Michigan, and it was his desire to return to Michigan for his funeral, which he was buried just this last Monday in Roseville in Macomb County.

The last time I spoke to John was during a telephone call this past New Year's Eve. He was in the hospital, and his health was failing, but he was still thinking about Michigan. He offered advice about campaign strategy and ideas for legislation that would benefit the citizens of Michigan. Although he enjoyed his retirement, John remained a legislator and a public servant until the end. He ran a strong campaign, in fact, just two years ago for a State Representative in Tennessee.

So I offer my condolences, along with my colleagues, to John's wife Mary, their daughter Darryl, and their granddaughter Courtney and to the rest of the Bowman family. He was the type of person whom all of us on the floor should strive to be. He was a good person both in his personal and public lives and a person who always strove to make Michigan a better place for the citizens of Michigan.

Senator Switalski's statement is as follows:

I had the good fortune of attending Senator Bowman's wake in Roseville on Monday. I delivered a state flag to John's widow, Mary Elizabeth, on behalf of the entire Senate. Mary was moved to tears by the Senate's gesture. It meant a lot to her to be remembered by this body.

The beautiful ceremony on Monday featured two distinguished eulogists, retired judges George Steeh and Ken Sanborn. Both had served with John in the Legislature in the 1950s. They also roomed with him. They talked about the camaraderie that existed in the Legislature back then. This was in the age before freeways. Most members stayed in Lansing and even lived together during session days.

Judge Steeh recalled a period after he had left the Legislature and was serving on an important state commission. One evening, about 1:00 a.m., he received a phone call from Senator Bowman during a raucous all-night session.

"George," Bowman crowed, "we're going to give you a raise! It's about \$12,000 bucks!"

"B-b-but John," George stammered, "I'll be making more than the chairman."

Bowman called across the aisle to his Republican counterpart, the chair of the committee.

"That's OK," responded the chair. "The chairman doesn't do anything anyway."

Judge Sanborn recalled his days rooming with a fellow Republican in the Olds Hotel. They were up in a room on the top floor of the Olds without the benefit of plumbing. They had to use communal toilet facilities down the hall. Steeh and Bowman were living in relative luxury one floor below.

"I lasted about two weeks," Sanborn recalled. "Then I told my colleague, 'I'm sorry, Joe. I can't take it anymore. I'm moving in with the Democrats.'"

Alan, the invitation stands. You are welcome over here with me and Dennis anytime.

I think it is important for members today to remember our links to the past. The judges referred affectionately to the old Roosevelt Hotel, since demolished, and replaced by the Cora Bell House Office Building. Many of the Senators here today had the pleasure of maintaining state offices in the Roosevelt Building, even while it was condemned. I got the last pick in the lottery there and ended up with an office in the corner stall of the men's room. I have fond memories of that first term in the House. I felt the presence of the ghosts of Bowman and Steeh and Sanborn in those dark halls, and it was up on the third floor there where I first fell in love with Kris Kraft.

Senator John Bowman served 22 years in the Legislature representing Roseville. That seat was subsequently occupied by the great Art Miller and has since passed to me. Bowman authored a major piece of legislation which bears his name, the Bowman lottery act. It is an honor to inherit a legacy established by these illustrious predecessors.

May John Bowman rest in peace.

Senator Cassis' statement is as follows:

Today marks a very special and all-American, in many ways, birthday—February 23, 1905. It is a distinct privilege to commemorate the 100th anniversary of Rotary International and to commend the members for their exemplary community service. These concerned citizens have worked diligently to help others in need all across the world. We thank them on behalf of the millions of people who have benefited from their invaluable contributions. We also take this opportunity to honor District 6380, which, under the capable leadership of District Governor Jeff Lichty, is a valuable partner in fulfilling Rotary's mission in our local communities.

Rotary International was founded in Chicago, Illinois, on February 23, 1905, by Paul P. Harris, a man who wished to recapture in a professional club the same friendly spirit he had felt in the small towns of his youth. By 1921, Rotary clubs had sprung up on six continents. Its mission was to serve the professional and social interests of club members. However, as Rotary grew, so did its mission. Rotarians began utilizing their talents and resources to serve their communities. Today, more than one million Rotarians involved in 31,000 clubs in 166 countries strive each day to embody the spirit of Rotary's motto: "Service Above Self." Additionally, Rotary's Four-Way Test, promoting high ethical standards, serves as a model for all to aspire to. Rotary has proven that caring citizens can make a difference.

In the 1940s, when the world was embroiled in war, Rotarians across the globe became involved in promoting international understanding through participation with the United Nations and by promoting cultural and educational exchanges. The Rotary Foundation was founded and created to "do good in the world," and now with contributions totaling more than \$80 million annually, it supports humanitarian grants and educational programs to foster hope and international understanding throughout the world.

In 1985, Rotary made a historical commitment to immunize all of the world's children against polio. The organization is the largest private-sector contributor to the global polio eradication campaign, and thousands of Rotary members have volunteered to immunize more than one billion children worldwide. Rotary is set to reach that goal to wipe out polio this year.

As the world has changed, Rotary has adapted to the changing needs of society, expanding its service efforts to address all kinds of pressing issues to support programs for youth and educational opportunities and international exchanges.

As the members of this organization celebrate this milestone, they can take great pride in their lengthy and effective history of community service. Mindful of Rotary's motto "Service Above Self" and dedicated to the principles of the "Four-Way Test"—Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?—we, as legislators, could well profit by practicing these ideals in our political lives and actions.

Happy Birthday, Rotary!

Senator Johnson's statement is as follows:

Yesterday afternoon, I received a phone call from Senator Gast, the former chair of Appropriations. He asked for a special request that I'm asking of all of you. For those of you who have served here many years, you all know and remember Joani Adams. Joani served as clerk to the Appropriations Committee for many years under Senator Gast. She vigorously and incredibly fought cancer as it ate away at her body. She did so with such vigor that it seemed almost that with her determination that she would beat it, but unfortunately, she didn't. She passed away, and Senator Gast asked that all of us honor her memory in a moment of silence.

A moment of silence was observed in memory of former Senate employee Joani Adams.

Senator Scott's statement is as follows:

Today we will be having a Black History Month program here in the Capitol. I would like to invite, on behalf of myself and Senator Hardiman, we would like to invite you to come and be a part of this Michigan Legislative Black Caucus theme, "Reflections of Our Times," today from 4-7 p.m.

Also I would like to acknowledge two women. Cora Mae Brown was the first African-American Senator in the state of Michigan. Born in Alabama in 1914, Cora M. Brown was eight years old when her family moved to Detroit. After graduating from Cass Technical High School and Fisk University in Tennessee, she took a job with the Detroit Police Department. At the same time, she attended the Wayne State University Law School. She graduated in 1948 and was admitted to the Michigan Bar that same year. Intrigued with politics, Brown ran for the Michigan Senate in 1950, but lost. After another loss, she was elected in 1952 becoming the first African-American woman to serve in the Michigan State Senate. During her two terms in the Senate, Brown earned a reputation supporting civil rights.

This is a letter that I read at the funeral of Congresswoman Shirley Chisholm. "To the friends and family of Congresswoman Shirley Chisholm: It is with great sorrow that I recognize the passing of Congresswoman Shirley Chisholm, a great leader in this country for civil and human rights, even while it is with great admiration that I recognize her life.

Congresswoman Chisholm once described her greatest asset as her mouth, and she never hesitated to use that asset to its best advantage. During her service to this country, she was a strident voice for women and minorities and the poor. She refused to believe that there was anything that could not be done, and armed with this attitude, she became the first African-American woman ever elected to Congress, the first African American to ever seek a major party's nomination for U.S. President, and the founder of the Black Congressional Congress.

Congresswoman Chisholm has been an inspiration to many, including myself, through her example of how to never let fear stop you from doing what is right. I know that her example will continue to inspire future generations and will not be forgotten. Congresswoman Chisholm once told the *Associated Press* that she wished to be remembered as someone who had guts, and that is most certainly how she will remain in my memory."

I was a member of her founding organization, the Congressional Political Congress of Black Women. So I honor both of these women today.

With my last remaining minutes. You know, when I first was elected, we all had orientation, and in 1994 during our orientation, one of the instructors said, "You know, you will get information from all sides, and when you get all of this information and you still don't know what to do, go with that gut feeling in your side." Well, I have that gut feeling again today, as I did several months ago when I stood here asking you to do something about the insurance for everyone. Well, it hasn't happened. You know, I've been just kind of, I don't know what you call it, but what has been done is they say, "Well, we are going to do this as soon as we come back from break." And we are going to do this and we are going to do that and nothing has been done. Now it's about pulling together a workgroup. Well, I was not invited to serve on this workgroup, so I know again, here we are just continuing to put it off. But let me tell you, it is time to do something about this. I know within my next few seconds it will be over, but these are the same people who are paying high costs for utilities and everything. So do something about it.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Kuipers, Sikkema, Gilbert, Patterson, Goschka, Stamas, Allen, Cropsey, Sanborn, Bishop, Birkholz, Brown, Jelinek, McManus and Hardiman introduced

Senate Joint Resolution B, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article VIII, to provide for gubernatorial appointment of the superintendent of public instruction.

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

Senator Johnson introduced

Senate Bill No. 235, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Senator Johnson introduced

Senate Bill No. 236, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Senator Johnson introduced

Senate Bill No. 237, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2004 PA 518.

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

Senator Johnson introduced

Senate Bill No. 238, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 518 and section 17b as amended by 2000 PA 297.

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

Senator Johnson introduced

Senate Bill No. 239, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2004 PA 518.

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

Senator Johnson introduced

Senate Bill No. 240, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 518 and section 17b as amended by 2000 PA 297.

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

Senator Johnson introduced

Senate Bill No. 241, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 518 and section 17b as amended by 2000 PA 297.

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

Senator Johnson introduced

Senate Bill No. 242, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 243, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 244, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 245, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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

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

Senate Bill No. 246, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending the title and section 11 (MCL 388.1611), the title as amended by 2003 PA 158 and section 11 as amended by 2004 PA 518, and by adding sections 12 and 147a.

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

Senators Allen, Basham, Jacobs, Gilbert, Goschka, Garcia, Cropsey and Birkholz introduced

Senate Bill No. 247, entitled

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

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

House Bill No. 4117, 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 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. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 234, entitled

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

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

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

Judson S. Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 22, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Leland and Basham

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, February 22, 2005, at 1:15 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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 22, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy and Schauer

Excused: Senators McManus and Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, February 22, 2005, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 24, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, February 24, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Higher Education - Thursday, March 3, 8:30 a.m.; Wednesday, March 9, 3:30 p.m.; and Tuesday, March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Local, Urban and State Affairs - Thursday, February 24, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:26 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 24, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate