

No. 16
STATE OF MICHIGAN
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REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, February 24, 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—excused
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 Orville K. Littlejohn of Messiah Baptist Church of Detroit offered the following invocation:

Eternal God, Creator of all humankind and all that is, we thank You for this glorious opportunity to serve this present day. We thank You, Master, for the assignment as well as the sanctioning of governing systems that seek to encourage and meet the needs of their constituency. So, dear God, we ask as we come with this august body that You manifest Your presence; that You would give wisdom; that You would give direction; that You would fill our hearts; that we would understand that we are agents operating according to Your will; that our communities and our states and our cities may be blessed, hearts may be touched, and lives may be transformed.

I pray to God for each representative in this building today, and we pray, Master, that all that is done and all that is said and all that is shared is in accordance with Your will and Your way. Dear God, You will get the glory and the honor. In Jesus' name we pray. Amen.

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

Motions and Communications

Senator Johnson entered the Senate Chamber.

Senator Hammerstrom moved that Senator Garcia be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that Senator Kuipers be excused from today's session.
The motion prevailed.

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

Senator Clarke entered the Senate Chamber.

The following communication was received:
Office of the Auditor General

February 23, 2005

Enclosed is a copy of the following audit report:
Performance audit of the Use of Transportation-Related Funding.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 23:

House Bill Nos. 4054 4200 4225

The Secretary announced that the following official bills were printed on Wednesday, February 23, and are available at the legislative Web site:

Senate Bill Nos. 229 230 231 232

**House Bill Nos. 4355 4356 4357 4358 4359 4360 4361 4362 4363 4364 4365 4366 4367 4368
4369 4370 4371 4372 4373**

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 Bishop 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 with a substitute therefor, the following bill:

Senate Bill No. 234, entitled

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

Substitute (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.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Schauer's statement is as follows:

I rise to do two things with my statement this morning. One is to recognize and introduce to you an outstanding group of individuals in the west Gallery who are visiting the Capitol today. Today I am holding my 3rd Annual NAACP Day at the Capitol, and I am blessed to have three branch chapters of the NAACP in the 19th Senate District. Geographically, from west to east they are Battle Creek, Albion, and Jackson, and we have invited executive committee members, leaders, from those three branches. I would like to have them recognized and then continue with my statement if that would be okay, Mr. President.

It is with a heavy heart that, and sadly coincidental, that one of the leaders who was to be with us today unfortunately passed away tragically and suddenly. Her name was Flamingo T. Brown, known by her friends as Flame. She had just recently stepped down as the president of the Jackson Branch of the NAACP. She had stepped down to run for reelection to the board of education of the Jackson Public Schools. Flame was a dear friend of mine, and not just to those in Jackson, but to all around the state. She was truly a committed public servant. The loss of someone like this can't help but put life in perspective for all of us. She was 48 years old and died of a brain aneurism. There was a tremendous outpouring from the community earlier this week on Monday, as a matter of fact, to recognize her life. She also led in the millage election that was successful for the renovation of the historic city hall in Jackson. She was committed to children and education and mentoring the next generation of leaders. I guess the Lord decided that her work was done, although I know her passion and her vision will continue through those leaders who came before her and are still here, and those leaders whom she helped train.

So we are dedicating this 3rd Annual NAACP Day at the Capitol in memory of Flamingo T. Brown—Flame as we know her. I would ask you all to join me in keeping her and her family and her friends in your prayers.

Senator Scott's statement is as follows:

I do want to thank you and others for attending our Black History Month celebration last evening, which was beautiful. I want to personally thank my staff and all of the other staffers who worked on it so hard. I wore my corsage again today that my staff gave me that I was so proud of. So I thank them.

But you know what? My gut is still hurting. Unless we do something soon about these insurances, we have studied and we have studied. Almost two years ago now, when I first started my first full term here in the Senate, we had a task force. We went around the state, and we found out what the insurance problems were. We then sent the study to Wayne State. That study should be completed, but I haven't received the results of it yet. Now we are going to have a work study. Well, I am tired of the studying. It's time for us to have some action for those who live in the inner cities and in Detroit. We just read recently our former colleague, who is now mayor of Detroit, wants to cut out the bus service. Well, those people can't even afford cars, let alone the insurance that has to go with them. Now it is incumbent upon all of us here to make sure that all of the constituents of this state have a better quality of life.

Now, Mr. President and the chair of the committee and those who are going to be on this study committee, be very careful about what you are studying and what you are trying to pull together. It's been over and over again. Now I know we say, and I do want to honor all of my ancestors for all of what they stood for because I stand on their shoulders today. It's because of them I can stand here today because as a little girl I couldn't even dream of serving in this Capitol. But I am thankful to God that He has allowed me to do that, and I will continue to stand and fight so that we have affordable insurance in all of our urban areas and in the city of Detroit and the surrounding Detroit areas, where we pay these enormous rates.

As I indicated to you just the other day for the last couple of days, they've talked about the insurance rates in Detroit and how they compare with the suburban areas. My former staffer Darnell Dickerson was living in the city of Detroit. I told you about a month ago when he went looking for a car and his insurance rate was going to be \$7,000 if he bought

a 2004, and it was going to be \$8,000 if he bought a 2005. I want you to know he wrote me a note the other day where he is now moving back to Okemos because in Okemos, it is going to only cost him \$2,000. So I am losing another resident from the city. I live where now we are down to 16,000 residents.

Let's get it together. We talk about that slavery was not right. Well, when you know better, you do better. So it is time for us to do better because this is another form of slavery. I am fed up with it and my gut is still hurting and I am ready for my colleagues to do something about it on both sides of the aisle.

Senator Bishop's statement is as follows:

I rise today for the purpose of lending my voice to the further discussion about insurance rates in Michigan. Today at 1:00 p.m. in Room 810 of the Farnum Building, we will hold the first meeting of the bipartisan, bicameral insurance workgroup. This workgroup is charged with looking into the state of home and auto insurance in Michigan and their respective impact on consumers. Over the next couple of weeks, we will collect pertinent facts and information relating to home and auto rates in Michigan. We will also review and determine if any Michigan law pertaining to auto and home insurance rates is outdated, and if so, how it might be modernized. We will compile information and review the impact of recent reforms to the insurance code of other states. We will review existing legislation and propose public policy to determine its possible impact on the industry and the ratepayers of the state of Michigan. I would also indicate that we will be reviewing the data and all the information that was supposed to be given to us over a year ago. We have not had an opportunity, I should say since last year, we have not had the opportunity to review that. I agree that information is essential to us in our ability to address this issue.

Then we are going to take these issues directly to the constituents, the ratepayers of this state. I would indicate that fairness, like beauty, is in the eye of the beholder. That's why I am approaching this assignment to do whatever I can to ask that all of the participants look at this assignment not from the narrow perspective as to how it can impact and improve the lives of their own constituents, but rather the larger view toward the specific issues and the proposed impact it will have on the state as a whole.

To that end, I am grateful to have the Senator from the 4th District and the chairman of the House Insurance Committee, who have both agreed to lend their thoughts and ideas to the committee. I think as each one of the chambers works towards this further goal of improving the industry itself, it will start to merit the trust of the citizens of this state.

When we face challenges, whether it's budgetary or policy, the natural desire is to provide solutions. But I submit to you that the real obligation that we have to the citizens of this state is not to just get something done, but to get it done right. We have a lot of discussion on this floor as to what can be done, but nothing really has been proposed that will have the impact of improving the quality of life to those citizens of this state and the ratepayers of this state.

That's really what this workgroup intends to do. It's a big job. This issue is not one we can stand up and talk about on the floor, and that is why I don't do it very often. But the journey of 1,000 miles begins with one step, and we intend to do that today in 810 of the Farnum Building at 1:00 p.m. I invite you to participate. If you would like to, send a staff member to hear an open discussion on the issues. When this workgroup concludes, we will produce a report and do what is right for the ratepayers of the state of Michigan.

Senator Garcia entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Patterson, Stamas, Garcia, Jelinek, Cropsy and Gilbert introduced
Senate Bill No. 248, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d and 811h as amended by 2003 PA 152, section 801 as amended by 2004 PA 427, sections 811d, 811f, and 811g as added by 2000 PA 77, section 811e as amended by 2001 PA 124, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, and 811p; 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 Transportation.

Senators Clarke, Cropsy, Cherry, Basham, Olshove, Hardiman, Prusi, Switalski, Brown, Birkholz, Goschka, Garcia, Stamas, Jacobs, Scott, Van Woerkom, Kuipers, Clark-Coleman, Allen, Hammerstrom, Brater and Schauer introduced
Senate Bill No. 249, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 143a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Cherry, Jacobs, Schauer, Basham, Prusi and Brater introduced

Senate Bill No. 250, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 720 and 735 (MCL 168.720 and 168.735), section 735 as amended by 2004 PA 92, and by adding section 720a.

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

Senators Brown, Van Woerkom, Jelinek, Cropsey, Gilbert, Stamas, Kuipers, Allen, Birkholz, Goschka and Sanborn introduced

Senate Bill No. 251, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

Senators Basham, Jelinek, Switalski, Thomas, Jacobs and Clark-Coleman introduced

Senate Bill No. 252, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

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

Senators Basham, Jelinek, Switalski, Thomas, Jacobs and Clark-Coleman introduced

Senate Bill No. 253, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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

Senators Basham, Jelinek, Switalski, Thomas, Jacobs and Clark-Coleman introduced

Senate Bill No. 254, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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

Senators Basham, Jelinek, Thomas, Jacobs, Clark-Coleman, Bishop, Toy, Patterson, Brater, Bernero, Prusi, Cherry, Olshove, Scott, Schauer, Johnson and Emerson introduced

Senate Bill No. 255, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 11108a and 11513a.

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

Senators Brater, Jacobs, Scott, Prusi, Schauer and Emerson introduced

Senate Bill No. 256, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 11532a, 11532b, 11532c, and 11532d.

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. 4054, entitled

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

The 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. 4200, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12753 (MCL 333.12753).
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 Health Policy.

House Bill No. 4225, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2001 PA 65.
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 Appropriations.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:
Meeting held on Wednesday, February 23, 2005, at 1:40 p.m., Room 110, Farnum Building
Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:
Meeting held on Wednesday, February 23, 2005, at 3:00 p.m., Room 210, Farnum Building
Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Leland and Bernero
Excused: Senator Olshove

Scheduled Meetings**Appropriations -****Subcommittee -**

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)

Commerce and Labor - Tuesday, March 1, 3:00 p.m., Room 100, Farnum Building (373-2413)

Technology and Energy - Wednesday, March 2, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:30 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 1, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate