

No. 35
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, April 26, 2005.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator Bill Hardiman of the 29th District offered the following invocation:

Heavenly Father, we are so thankful to You for Your goodness. We thank You for the great state of Michigan. It is a beautiful place filled with wonderful people. We thank You for the many, many blessings that You've provided over the years and those that You provide today and what You are going to provide in the future.

Father, at this time we face many challenges. We face challenges in our homes and in our communities, economic environment, and for the members in this chamber and this state government dealing with a difficult budget. Father, we confess that at times it is difficult to know which way to go, but we focus on You. You are truth.

Father, the words of the prophet Daniel come to mind as he sought wisdom, "Blessed be the name of God for ever and ever. Wisdom and might are His, for He changes the times and the seasons. He removes kings and He sets up kings. He gives wisdom to the wise and knowledge to those who have understanding. He reveals the deep and secret things. He knows what is in the darkness and the light dwells with Him." We need Your light today, Lord God, and we ask for it. Father, we thank You for the times that You have provided it.

Father, give us Your truth. May it be irresistible so that we come together and unite to be a blessing to the wonderful people of the state of Michigan.

Father, we come from different backgrounds and walks of life, and even in this chamber, the representatives of this state reflect the body that You have called from every tribe and every tongue and every people and every nation. Father, we are even gathered here from various faiths and You love us all.

I ask for Your rich blessings upon us today, Your wisdom and insight, and I ask these things in the precious name of Jesus Christ. Amen.

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

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:22 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4570

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

Senator Hammerstrom moved that the Committee on Agriculture, Forestry and Tourism be discharged from further consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

The motion prevailed, a majority of the members serving voting therefor, and the concurrent resolution was placed on the order of Resolutions.

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

The motion prevailed.

Senators Sanborn and Toy entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

April 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:45 a.m. this date, administrative rule (05-04-01) for the Department of Labor and Economic Growth, Director's Office entitled "*Occupational Health Standard Part 520 Ventilation Control*," these rules take effect immediately upon filing with the Secretary of State.

April 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:47 a.m. this date, administrative rule (05-04-02) for the Department of Labor and Economic Growth, Director's Office entitled "*Part 451. Respiratory Protection*," these rules take effect immediately upon filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

April 21, 2005

Enclosed is a copy of the following audit report:

Performance audit of the Veterans Affairs Directorate, Department of Military and Veterans Affairs.

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 Thursday, April 21:
House Bill Nos. 4405 4434

The Secretary announced that the following official bills were printed on Thursday, April 21, and are available at the legislative website:

Senate Bill Nos. 400 401 402
House Bill Nos. 4636 4637 4638 4639 4640 4641 4642 4643

The Secretary announced that the following official bills were printed on Friday, April 22, and are available at the legislative website:

Senate Bill Nos. 403 404 405 406 407 408 409 410 411 412 413 414 415 416
House Bill Nos. 4644 4645 4646 4647 4648 4649 4650 4651 4652 4653 4654 4655 4656 4657
4658 4659

The following communication was received and read:
Office of the Senate Majority Leader

April 20, 2005

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointments of Glen Bailey and Todd Wyatt to the Michigan State Waterways Commission and make a written recommendation to the Government Operations Committee on these appointments.

Sincerely,
Senator Ken Sikkema
Chairman, Senate Government Operations Committee

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received:

Date: April 25, 2005
Time: 11:14 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 194 (Public Act No. 9), being

An act to amend 2004 PA 402, entitled “An act to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials,” by amending section 2 (MCL 435.342).

(Filed with the Secretary of State on April 25, 2005, at 1:14 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

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. 225

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 225, entitled

A bill to create an agricultural tourism advisory commission; to provide for its powers and duties; and to repeal acts and parts of acts.

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. 88

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	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

Garcia

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
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 Switalski 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 bills:

Senate Bill No. 257, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

Senate Bill No. 371, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

House Bill No. 4570, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104 and 3109 (MCL 324.3104 and 324.3109), section 3104 as amended by 2004 PA 325.

Substitute (S-4).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 167, entitled

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education and continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senator Garcia entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 28

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

Senators Sikkema and Emerson offered the following resolution:

Senate Resolution No. 28.

A resolution offered as a memorial for the Honorable Joseph S. Mack.

Whereas, It is with the utmost sorrow that the members of the Michigan Senate mourn the sudden passing of Joe Mack, an individual who in every way exemplified the heart and soul of the Upper Peninsula. Indeed, as they say in the U.P., Joe Mack had "Sisu." It marked every aspect of his life and will be a lasting testimony to his strength of character. He will be missed; and

Whereas, The son of a miner, Joe Mack was raised in a family of 10 children. He graduated from Luther L. Wright High School and went on to the Milwaukee Vocational School to study steel fabrication. During the war, he worked on the Manhattan Project in development of the A-bomb. He returned to Ironwood in 1946 and soon after became active in elective politics; and

Whereas, Joe Mack was elected to the Michigan House of Representatives in 1960. He served two terms in the House of Representatives, and, with his election to the Senate in 1964, went on to serve a total of 30 years in the Michigan Legislature. Highlights of his career in the Senate included his chairmanship of the Upper Peninsula Industrial and Economic Affairs Committee and his service as a member of the Senate Appropriations and Retirement Committee; and

Whereas, Joe Mack's tenure as a lawmaker spanned a period of time that saw great changes in our society and in our state in particular. Despite these changes, Joe Mack remained steadfast as a champion of the U.P. and its people. His efforts on behalf of natural resources, outdoor recreation, economic development, and the rights of the individual earned the respect of his peers, and, above all, the deep and sincere gratitude of the working men and women of the Upper Peninsula. Clearly, his hard work and determined spirit have paid dividends that will long continue to benefit our state. There could be no finer affirmation of his life and career; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be offered as a memorial for Joseph S. Mack; and be it further

Resolved, That copies of this resolution be transmitted to Senator Mack's wife and family as evidence of our heartfelt sorrow and best wishes.

The question being on the adoption of the resolution,

The 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 resolution.

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

A moment of silence was observed in memory of former Senator Joseph S. Mack.

Senate Concurrent Resolution No. 8.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Health Diagnostic Laboratory.

(For text of resolution, see Senate Journal No. 19, p. 219.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 9.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Central Michigan University relative to the Central Michigan University Health Professions Building.

(For text of resolution, see Senate Journal No. 19, p. 220.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 10.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan - Ann Arbor Central Campus Renovation Phase II - Mason Hall and Haven Hall.

(For text of resolution, see Senate Journal No. 19, p. 221.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 11.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Roosevelt Parking Facility.

(For text of resolution, see Senate Journal No. 19, p. 223.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 13.

A concurrent resolution to increase the total project cost of the General Campus Renovations project at St. Clair Community College.

(For text of resolution, see Senate Journal No. 20, p. 233.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Switalski, Clarke and Bernero introduced

Senate Bill No. 417, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Clarke, Clark-Coleman, Scott, Basham, Brater and Leland introduced

Senate Bill No. 418, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 431a (MCL 380.431a), as amended by 2004 PA 303.

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

Senator Allen introduced

Senate Bill No. 419, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 460.6), as amended by 1993 PA 355.

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 Clark-Coleman, Sanborn, Patterson, Birkholz, Brown, Toy, Prusi, Jacobs, Clarke, Bernero, Brater, Barcia, Emerson, Thomas, Leland, Basham, Schauer, Jelinek, Hardiman and Scott introduced

Senate Bill No. 420, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 2004 PA 542.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Switalski, Scott, Brater, Jelinek, Jacobs and Clarke introduced

Senate Bill No. 421, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17213.

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

Senators Gilbert, Cropsey and Kuipers introduced

Senate Bill No. 422, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 317a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Gilbert, Cropsey and Kuipers introduced

Senate Bill No. 423, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16p of chapter XVII (MCL 777.16p), as amended by 2000 PA 279.

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

Senators Garcia, Kuipers, Bishop and Cassis introduced

Senate Bill No. 424, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18b (MCL 247.668b), as amended by 2002 PA 498.

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

Senator Leland introduced

Senate Bill No. 425, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 11 (MCL 484.3111).

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

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

Senate Bill No. 426, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

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

Senate Bill No. 427, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding sections 515, 516, and 517.

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

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

Senate Bill No. 428, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding sections 3914, 3915, and 3916.

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

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

Senate Bill No. 429, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding sections 1136, 1137, and 1138.

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

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

Senate Bill No. 430, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding sections 388, 389, and 390.

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

Senator Scott introduced

Senate Bill No. 431, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Senator Hammerstrom introduced

Senate Bill No. 432, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416e.

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

House Bill No. 4405, 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 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. 4434, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17752 (MCL 333.17752) and by adding section 17753.

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.

Statements

Senators Garcia, Cropsey 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 Garcia’s statement is as follows:

Earlier today this body voted on calendar item No. 3, Senate Bill No. 225. Had I been here, I would have voted “yes” on it. Just a quick explanation, my brother-in-law who is stationed in Afghanistan called me this morning, and I thought it best that I take the call.

Senator Cropsey’s statement is as follows:

In yesterday’s *Gongwer* on page 7, there is talk about where Governor Granholm calls for action on the violent game bill, the video game bill, and she said this, or this is *Gongwer* saying this: “Ms. Granholm criticized Senator Alan Cropsey (R-DeWitt), chair of the Senate Judiciary Committee, for not scheduling hearings on Mr. Clarke’s bill, which was introduced in February, while scheduling his own bill (SB 416) on Tuesday after introducing it last week. She has called for quick action on the topic in her State of the State Address in January.” Then a couple of paragraphs later, the Governor says, “‘This is not a partisan issue, this is a no-brainer,’ Ms. Granholm said, adding to Mr. Clarke, ‘Imitation is the sincerest form of flattery.’”

Now there are a few things and I wish perhaps that the Governor would have read some of the statements that were made last week and the previous week on the violent video bills. I’ve told the sponsor of the legislation that when he is ready to have it heard in committee, I am willing to have it heard. It became evident that the other party decided to have hearings of their own on the bill, so last week I said that as soon as their hearings were done, I would be willing to take up the legislation.

I find it ironic that the Governor, former Attorney General of the state of Michigan, that the legislation that was referred to and introduced by a member of her own party was originally introduced a few sessions ago by a member of the Republican Party—Senator Dale Shugars. I referenced that in one of my previous statements.

So this truly is a nonpartisan issue, and I do agree with Governor Granholm on that. It is nonpartisan and should remain nonpartisan, but I don’t understand why there are partisan hearings going on. I also don’t understand why the Governor, as a former Attorney General for the state, would say that this is a no-brainer. If this is a no-brainer, it seems like she would have been supporting Senator Shugars’ bill when she was Attorney General.

There are a few constitutional issues that come up with this. This is a general principle of content-based regulations that are presumptively invalid under the First Amendment. The violent video games have been ruled by federal courts repeatedly in the past that this is a free speech issue and that they are content-based regulations. They do not fall under obscenity. That is not my decision; that is not the decision of anyone in the Legislature or the U.S. Congress; that has been a decision by the courts. So we have to deal with that. This is definitely not a no-brainer. There are several things we must jump through and hopefully come to an agreement on in order to find anything valid that will reach to trying to find this legislation or any legislation like this as constitutional.

I will be having a hearing today on the violent video game legislation—the one I introduced. I am more than willing to have that include the sponsors of Senate Bill No. 249, to have that include his bill, too, if he wishes. If he doesn't wish, that is his decision. I do plan on having a hearing today because the groundwork has to be laid to say that in spite of a free speech issue, there may be compelling reasons to override a free speech issue.

I would think that the current Governor, as former Attorney General, would know that this is a very tricky area, and I would appreciate the former Attorney General of this great state, and now the Governor of this great state, joining in trying to find a resolution and a way around the free speech issues, instead of just criticizing, blanket engaging in partisan criticism on this issue and coming up with a solution, instead of blame.

The President pro tempore, Senator Birkholz, assumed the Chair.

Senator Scott's statement is as follows:

I continue to receive feedback from citizens all across this state who are sharing their stories with me through my insurance website. Here is one from a resident of Greenville, Michigan, "I am paying too much for auto insurance. An ex-husband and divorce have led to a bankruptcy and unpaid medical bills. And now I suffer and pay high premiums even though I now have good credit and a clean driving record. My credit history should have nothing to do with my driving history."

A resident of Detroit so eloquently writes, "I think we should pay our insurance by our driving record."

Another resident of Detroit writes, "I have a teenage daughter who just recently received her driver's license. She has been driving for over a year. Her dad and I are very proud of her. She is sixteen years old and has never gotten any citations, nor has she ever been pulled over for anything. She works 24 hours a week and also attends high school in the city of Detroit. Although her dad and I are very proud of her, it is taking everything we have to maintain our monthly \$800 payment for auto insurance. Paying \$800 a month for insurance is ridiculous. Neither of us has ever been in an auto accident or received any parking or moving violations. We have no points on our driving records. We are moving out of Michigan. It is terrible when law-abiding citizens are being taken advantage of and disrespected due to where they reside. This is not fair and has never been fair."

Madam President and my colleagues, these are heartfelt stories from ratepayers in this state who want relief. Let's work together to find solutions.

Committee Reports

The Committee on Education reported

House Bill No. 4570, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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. 324, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

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

The Committee on Education reported

Senate Bill No. 325, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2004 PA 351.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

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

The Committee on Education reported

Senate Bill No. 328, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11f (MCL 388.1611f), as amended by 2004 PA 351.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Education reported

Senate Bill No. 329, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 20 and 22b (MCL 388.1620 and 388.1622b), as amended by 2004 PA 351, and by adding section 34.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

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

The Committee on Education reported

Senate Bill No. 330, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2004 PA 351.

With the recommendation that the substitute (S-2) be adopted and that the bill then 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 and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, April 21, 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 Judiciary submitted the following:

Public hearing held on Friday, April 22, 2005, at 10:00 a.m., Detroit Sportsmen's Congress, 49800 Dequindre Road, Utica

Present: Senators Cropsey (C) and Sanborn

Excused: Senators Bishop, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Joint meeting held on Monday, April 25, 2005, at 1:10 p.m., Room 210, Farnum Building

Present: Senator Cassis (C)

Excused: Senators Garcia, McManus, Thomas and Brater

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, April 28, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursday, April 28, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Capital Outlay - Thursday, April 28, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce, Labor and Economic Development - Wednesday, April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Community Colleges - Wednesday, May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Thursdays, May 5, 1:00 p.m., Room 810, Farnum Building; May 12, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Family Independence Agency - Wednesday, May 4, 8:30 a.m., Room 210, Farnum Building (373-1801)

Higher Education - Fridays, April 29, 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Music Room, 4901 Evergreen Road, Dearborn; May 6, 10:00 a.m., Grand Valley State University, Kirkhof Center, 2nd Floor, Pere Marquette Room, 1 Campus Drive, Allendale; May 13, 10:00 a.m., Northwood University, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street, Ypsilanti (373-1760)

K-12, School Aid, Education - Thursday, April 28, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, May 4, May 11, May 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Wednesday, April 27, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Banking and Financial Institutions - Thursday, April 28, 12:00 noon, Radisson Hotel, Regency Room, 111 N. Grand Avenue, Lansing (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, April 27, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, April 28, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, April 27, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, April 27, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Thursday, April 28, 1:00 p.m., Room 110, Farnum Building (373-1707)

Technology and Energy - Wednesday, April 27, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:05 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, April 27, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate