

**No. 59**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Tuesday, June 21, 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 Irma Clark-Coleman of the 3rd District offered the following invocation:

Let me begin by saying that there is only one presence and one power in my life, God—the good, omnipotent.

Heavenly Father, as we stand here today about to begin the people's work, I pray that we can put aside all partisan differences and do the right thing for all the people. Today we will have here at the State Capitol parents who are very concerned about the welfare of their children. We can understand that because that is our most important resource.

Father in Heaven, guide us to make the right decisions; to make those decisions that impact all the people all of the time, not part of the people part of the time. It is important that we understand that the people gave us their confidence, and we must address it with honor and with dignity. I pray, God, that You will make us understand that we have been entrusted with an awesome responsibility, Lord. And please, God, direct our steps, and make sure that we make those right decisions. God, watch over us.

Thank You, O Father, and I will end by giving us the prayer for protection. The light of God surrounds us, the love of God enfolds us, the power of God protects us, the presence of God watches over us—wherever we are God is—and all is well.

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

### Recess

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

10:10 a.m.

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

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

A quorum of the Senate was present.

### Motions and Communications

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

Senator Schauer moved that the Committee on Appropriations be discharged from further consideration of the following bill:

#### **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 question being on the motion to discharge,

Senator Schauer requested the yeas and nays.

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

The question being on the motion to discharge,

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

The motion prevailed.

Senator Schauer requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 262****Yeas—21**

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

**Nays—16**

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

**Excused—1**

Cassis

**Not Voting—0**

In The Chair: President

**Protests**

Senators Clark-Coleman, Schauer and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the postponement of the motion to discharge the Committee on Appropriations from consideration of Senate Bill No. 246.

Senator Clark-Coleman's statement is as follows:

I rise in support of discharging the Appropriations Committee from further consideration of Senate Bill No. 246. The reason for discharge is urgency. School districts across the state are in the process of finalizing their budgets for the upcoming school year, and they cannot do so without knowing what funding will be available from the state. We cannot wait to have additional discussions about this bill. We must act now and so I support the discharge motion and urge my colleagues too.

I urge my colleagues to vote "no" to postpone the discharge motion.

Senator Schauer's statement is as follows:

I voted "no" on the vote to postpone for the day the discharge motion. We had an opportunity to talk about our priorities here. Senator Emerson introduced a bill that he wished to have before us here in this chamber, a bill dealing with what we all talk about as our most important priority—funding for education. Unfortunately, we were given very little opportunity to have that conversation here on the Senate floor. I voted against postponement of our opportunity to have that bill before us on the Senate floor. I think we will all have to go back to our districts and explain why we voted as we did. Clearly, my vote was to have that opportunity rather than shut down an opportunity for debate and conversation about funding for education, not just funding for our public schools, but funding for community colleges, funding for our universities and higher education.

So if it's about priorities, my vote against postponing the discharge of Senate Bill No. 246 was a vote to allow us to debate what we all consider, and at least give rhetoric about, as our most important priority, and that's our children, education. Unfortunately, the majority decided that today we would not be able to have that important debate here on the Senate floor.

Senator Scott’s statement is as follows:

I would just like to say to my colleagues that it is important for us to give all of the students opportunities to get an education. When I was in Baharan just recently last year, they had a 98 percent literacy rate because they believe in educating their students. We need to do the same. After all, we have to compete internationally now.

So I would encourage my colleagues to support Senator Emerson’s bill right now. I don’t remember the number of it, but I did support that bill because I believe we do have to educate all our children from K-16.

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

The motion prevailed.

Senator Garcia’s statement is as follows:

On June 9th, I was absent during the following roll call votes: Nos. 204-222; and I just wanted to note for the record that I would have voted “yes” on all of those roll call votes.

The following communications were received:

Office of the Auditor General

June 16, 2005

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Civil Rights for the period October 1, 2002 through September 30, 2004.

June 16, 2005

Enclosed is a copy of the following audit report:

Performance audit of Lake Michigan College.

June 17, 2005

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Broadband Development Authority for the period October 1, 2003 through September 30, 2004.

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

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 16, for her approval the following bill:

**Enrolled Senate Bill No. 384 at 2:13 p.m.**

The Secretary announced that the following official bills were printed on Thursday, June 16, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>583</b>	<b>584</b>												
<b>House Bill Nos.</b>	<b>4940</b>	<b>4941</b>	<b>4942</b>	<b>4943</b>	<b>4944</b>	<b>4945</b>	<b>4946</b>	<b>4947</b>	<b>4948</b>	<b>4969</b>	<b>4970</b>	<b>4971</b>	<b>4972</b>	<b>4973</b>

The Secretary announced that the following official bills were printed on Friday, June 17, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>585</b>	<b>586</b>	<b>587</b>	<b>588</b>	<b>589</b>	<b>590</b>	<b>591</b>	<b>592</b>	<b>593</b>	<b>594</b>	<b>595</b>	<b>596</b>	<b>597</b>	<b>598</b>
	<b>599</b>	<b>600</b>	<b>601</b>	<b>602</b>	<b>603</b>	<b>604</b>	<b>605</b>	<b>606</b>	<b>607</b>	<b>608</b>	<b>609</b>	<b>610</b>	<b>611</b>	<b>612</b>
	<b>613</b>	<b>614</b>	<b>615</b>	<b>616</b>	<b>617</b>									
<b>House Bill Nos.</b>	<b>4949</b>	<b>4950</b>	<b>4951</b>	<b>4952</b>	<b>4953</b>	<b>4954</b>	<b>4955</b>	<b>4956</b>	<b>4957</b>	<b>4958</b>	<b>4959</b>	<b>4960</b>	<b>4961</b>	<b>4962</b>
	<b>4963</b>	<b>4964</b>	<b>4965</b>	<b>4966</b>	<b>4967</b>	<b>4968</b>								

**Messages from the Governor**

The following messages from the Governor were received:

Date: June 16, 2005

Time: 9:40 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 195 (Public Act No. 43), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

(Filed with the Secretary of State on June 16, 2005, at 10:24 a.m.)

Date: June 16, 2005

Time: 9:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 225 (Public Act No. 46), being**

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

(Filed with the Secretary of State on June 16, 2005, at 10:30 a.m.)

Date: June 16, 2005

Time: 9:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 226 (Public Act No. 47), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 23.

(Filed with the Secretary of State on June 16, 2005, at 10:32 a.m.)

Date: June 17, 2005

Time: 10:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 384 (Public Act No. 48), being**

An act to designate the third Saturday in June as Juneteenth National Freedom Day; and to designate November 26 of each year as Sojourner Truth Day in the state of Michigan.

(Filed with the Secretary of State on June 17, 2005, at 10:43 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

June 16, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Apple Marketing Program Committee**

Mr. Donald H. Baiers of 7980 Territorial Road, Watervliet, Michigan 49098, county of Berrien, succeeding Brian Bixby, whose term has expired, representing District 1 growers, for a term commencing June 16, 2005 and expiring April 1, 2008.

Mr. Michael J. Beck of 8310 North Williams Road, St. Johns, Michigan 48879, county of Clinton, reappointed to represent District 7 growers, for a term expiring April 1, 2008.

Mr. Robert A. Colgren of 42270 CR 215, Lawrence, Michigan 49064, county of Van Buren, reappointed to represent District 2 growers, for a term expiring April 1, 2008.

June 16, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Beef Marketing Program Committee**

Mr. John Jay VanderBoon of 7671 Trever Court, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding John VanderBoon, representing meat packing executives, for a term commencing June 16, 2005 and expiring May 31, 2007.

Mr. Robert E. DeYoung of 3086 Hoag, N.E., Grand Rapids, Michigan 49525, county of Kent, reappointed to represent beef retailers, for a term expiring May 31, 2007.

Mr. Charles E. Markley of 13171 Telling Road, Byron, Michigan 48418, county of Genesee, reappointed to represent cattle feeders, for a term expiring May 31, 2007.

June 16, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Dairy Marketing Program Committee**

Mr. Eric J. Frahm of 1520 Frahm Road, Frankenmuth, Michigan 48734, county of Saginaw, succeeding James Reid, whose term has expired, representing the Michigan Milk Producers Association, for a term commencing June 16, 2005 and expiring December 31, 2007.

Mr. Michael A. Schwab of 7990 North Garfield Road, Standish, Michigan 48658, county of Bay, succeeding John Kronemeyer, whose term has expired, representing the Michigan Milk Producers Association, for a term commencing June 16, 2005 and expiring December 31, 2007.

Mr. David M. Lott of 1655 North Meridian, Mason, Michigan 48854, county of Ingham, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

June 16, 2005

Due to typographical errors on the June 14, 2005 letter filed with your office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, please be advised of the following corrections:

**Asparagus Marketing Program Advisory Board**

Ms. Sarah J. Greiner of 2542 North 128th Avenue, Hart, Michigan 49420, county of Oceana, succeeding Bernice Shafer, whose term has expired, representing northern-central growers, for a term commencing June 14, 2005 and expiring **November 13, 2007**.

Mr. Frederick J. Tubbs of 3748 North Oceana Drive, Hart, Michigan 49420, county of Oceana, succeeding Mark Trommater, whose term has expired, representing northern-central growers, for a term commencing June 14, 2005 and expiring **November 13, 2007**.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

### Messages from the House

#### **Senate Bill No. 2, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 73, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5505 (MCL 324.5505).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

**Senate Bill No. 352**

**House Bill No. 4434**

**Senate Bill No. 189**

**Senate Bill No. 514**

**Senate Bill No. 515**

The motion prevailed.

Senator Cassis entered the Senate Chamber.

#### **Senate Bill No. 512, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 2, 3, 4, 11, 12, 15, 19, 20, 21, 23, and 24 (MCL 397.172, 397.173, 397.174, 397.181, 397.182, 397.185, 397.189, 397.190, 397.191, 397.193, and 397.194), sections 2 and 3 as amended by 2001 PA 64, section 11 as amended by 2002 PA 159, section 12 as amended by 2002 PA 540, and section 15 as amended by 1994 PA 114, and by adding section 3a.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1989 PA 24, entitled "An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 2, 3, 4, 11, 12, 15, 19, 20, 21, 23, and 24 (MCL 397.172, 397.173, 397.174, 397.181, 397.182, 397.185, 397.189, 397.190, 397.191, 397.193, and 397.194), sections 2 and 3 as amended by 2001 PA 64, section 11 as amended by 2002 PA 159, section 12 as amended by 2002 PA 540, and section 15 as amended by 1994 PA 114, and by adding sections 3a and 3b.

Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 513, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 301, 302, 312, 370, 381, 498, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370 and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m, 509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q, 168.509gg, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 500b as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297, and by adding sections 302a and 509hh.

Pursuant to rule 3.202, the bill was laid over one day.

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 without amendment, the following bills:

**Senate Bill No. 456, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

**Senate Bill No. 471, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

**Senate Bill No. 473, entitled**

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by repealing section 5 (MCL 15.445).

**Senate Bill No. 474, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

**Senate Bill No. 477, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as added by 1999 PA 238.

**Senate Bill No. 478, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.



**Senate Bill No. 480, entitled**

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by repealing section 10 (MCL 550.60).

**Senate Bill No. 481, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 8029 (MCL 600.8029).

**House Bill No. 4623, entitled**

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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:

**House Bill No. 4635, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8515 (MCL 324.8515), as added by 1995 PA 60, and by adding section 8518.

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.

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

**Senate Bill No. 370, entitled**

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2003 PA 130.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 8, line 9, after "**ALLERGENS**" by inserting "**INCLUDING, BUT NOT LIMITED, TO HOUSEHOLD MOLD, MILDEW, AND BACTERIA**".
2. Amend page 9, line 4, by striking out all of line 4 through "**SUBSECTION**" on line 5 and inserting "**JANUARY 1, 2006**".
3. Amend page 9, line 7, after "until" by striking out the balance of the subsection and inserting "**APRIL 1, 2006**".
4. Amend page 9, following line 9, by inserting:  
"Enacting section 1. This amendatory act takes effect January 1, 2006.".

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

## Resolutions

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 45**

The resolution consent calendar was adopted.

Senators Patterson and Olshove offered the following resolution:

**Senate Resolution No. 45.**

A resolution of tribute for Robert Brent Nelson upon the completion of his term on the Michigan Public Service Commission.

Whereas, It is a great pleasure to extend this expression of our thanks and best wishes to Robert Brent Nelson for over six years of service on the Michigan Public Service Commission; and

Whereas, Commissioner Nelson's commitment to excellence in public service spanning over thirty years has provided our state and country with outstanding leadership through a period of time when the energy, transportation, and telecommunications industries have experienced unprecedented changes. Through these times, Commissioner Nelson has exhibited the highest standards of citizenship, dedication, and unselfishness; and

Whereas, Prior to his appointment to the Public Service Commission, Commissioner Nelson served as president of the Michigan Electric and Gas Association from December 1987 until his appointment to the commission on May 10, 1999. From 1979 to 1987, he was director of the commission's Office of Regulatory and Consumer Affairs, overseeing the legislative, legal, public affairs, and consumer services functions of the commission. From 1976 to 1979, he served as both assistant and deputy director of policy at the commission. From 1974 to 1976, he was an assistant and, later, senior assistant prosecutor for Ingham County. From 1970 to 1974, he was a trial attorney for the Federal Communications Commission. He served as the chairman of the Administrative Law Section of the Michigan Bar Association and has also served as chairman of the East Lansing Cable and Telecommunications Commission; and

Whereas, During his recent tenure as a Michigan Public Service Commissioner, Robert Brent Nelson served as member of the National Association of Regulatory Utility Commissioners, chairman of the Telecommunications Committee, and member of the Consumer Affairs Committee; and

Whereas, He was also a member of the North American Numbering Council, an advisory committee to the Federal Communications Commission on numbering issues; served on the Advisory Council for the Center for Public Utilities at New Mexico State University; and is a member of the Federal-State Joint Board on Universal Services; and

Whereas, Commissioner Nelson worked tirelessly to implement energy and telecommunications restructuring legislation in Michigan; and

Whereas, Commission Nelson has frequently provided critical expert testimony before many state legislative and congressional panels; and

Whereas, Commissioner Nelson's intelligence, vision, and integrity have earned him widespread acclaim and our deepest appreciation; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor and commend Robert Brent Nelson upon leaving state government after years of distinguished service to Michigan, and we sincerely wish him continued success in all endeavors; and be it further

Resolved, That a copy of this resolution be transmitted to Robert Brent Nelson as a token of our esteem.

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.

#### **Senate Concurrent Resolution No. 22.**

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

#### **Senate Resolution No. 35.**

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Sanborn offered the following resolution:

#### **Senate Resolution No. 43.**

A resolution to memorialize the Congress of the United States to enact H.R. 593 to provide the states with authority to regulate the flow and importation of solid waste from outside the country.

Whereas, For the past seven years, the amount of solid waste coming into Michigan for disposal has increased from 5.6 million cubic yards to over 15 million cubic yards each year. Carefully planned landfill space, intended to be used for solid waste generated in Michigan, is being quickly filled by waste from other states and Canada. Michigan has enacted several laws to control the solid waste stream coming into the state in an attempt to protect our environment, water, and public health; and

Whereas, The United States Supreme Court limited the state's ability to further restrict out-of-state waste when it ruled in *Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources* that the states do not have authority to regulate or ban the importation of solid waste. The court further ruled that Congress can provide states with such authority by enacting appropriate legislation; and

Whereas, United States Representative Mike Rogers has introduced legislation, H.R. 593, to allow Michigan and other states to control the flow of solid waste coming from other countries into their states. Specifically, H.R. 593

would allow Michigan to enact legislation banning or restricting the disposal of Canadian waste in Michigan landfills. Although supported by members of Congress on both sides of the aisle, bills on this topic introduced in prior congressional sessions did not pass the House of Representatives; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact H.R. 593 to provide the states with authority to regulate the flow and importation of solid waste from outside the country; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cassis, Clark-Coleman, Clarke, Garcia, Gilbert, Goschka, Jacobs, Kuipers, Olshove, Prusi, Switalski, Thomas and Toy were named co-sponsors of the resolution.

Senator Allen offered the following resolution:

**Senate Resolution No. 44.**

A resolution honoring the 150th Anniversary of the Soo Locks in Sault Sainte Marie, Michigan.

Whereas, For over 2,000 years, the Sault Sainte Marie area has been a settlement; the city being the oldest in Michigan and third-oldest in the United States. Native Americans began to gather there for the wealth of fish and fur found along the rushing waters of the wide, turbulent river that linked the Great Lakes of Superior and Huron. They called the area "Bahweting," or "The Gathering Place"; and

Whereas, At this strategic location, Lake Superior is 21 feet higher than Huron and a treacherous series of rapids falls over 20 feet, connecting the two bodies of water. The area was given its name, Sault Sainte Marie, by the French missionaries and fur traders of the 1600s. Though there is debate on the exact meaning of "Sault," one translation is "jump," referring to the place where one had to jump or put into the St. Mary's River because the rapids prohibited boat traffic. The other means "rapids," St. Mary's Rapids; and

Whereas, The need to traverse this natural obstacle has been and remains necessary for the commerce to flow freely in our nation. In 1797, the first lock was built by the Northwest Fir Company and could accommodate vessels only slightly larger than canoes. After being destroyed by American troops during the War of 1812 to prevent the British from invading from Canada, primitive lock systems followed, until the first state lock was built in 1855 by civil engineers for a cost of \$1 million. The federal government took control in 1881, and the locks remain in the care of the U.S. Army Corps of Engineers. The Poe Lock was finished in 1896 and is the only lock in the Great Lakes Seaway System that can handle vessels of 1,000 feet and more. These leviathans hold over 60,000 tons of cargo. Three others locks would follow: Davis Lock in 1914, Sabin Lock in 1919, and MacArthur Lock in 1943 to complete the system. In 1969, the new Poe Lock opened. Still the largest of all, it took nearly six years to complete; and

Whereas, Using the natural drop in the elevation, water not traveling through the locks or down the St. Mary's River is diverted into a canal as used to generate over 150 million kilowatts of hydroelectric power each year. The first priority for this energy is to power the machinery of the Soo Locks. Any surplus is sold to private companies and distributed to the homes and businesses of Sault Sainte Marie and the surrounding communities; and

Whereas, The world-famous Soo Locks have overcome the natural barriers of rock and rapid, providing a vital link for commerce in the Great Lakes Seaway System. Each year, thousands of boats pass through these locks, from pleasure crafts to commercial fisherman and freighters. Apart from moving economic goods and personal watercraft, the locks have played an important role in our history. Notably, 100 percent of the iron ore used in World War II passed through these locks. To protect them from an Axis bombing, giant air balloons secured by steel cables hovered above to prevent a squadron of planes from flying over. Indeed, the mineral-rich resources of Michigan's Upper Peninsula, with its great deposits of iron ore and copper, have fueled our economy and helped our nation win its wars. The locks made their transportation possible; and

Whereas, From canoes filled with furs to tankers filled with iron ore, the evolution and history of our locks has been important to our state and nation, allowing for ships to reach ports in Lake Superior and linking them to ports throughout the Great Lakes and ocean ports the world over. Over their century and a half of operation, the Soo Locks have remained an engineering marvel and continue to be a source of great pride for area residents and our country. They are the busiest locks in the world, containing the largest single lock in the Western Hemisphere and handle more cargo each year than the Suez and Panama Canals combined; now, therefore, be it

Resolved by the Senate, That we hereby honor and commend the 150th Anniversary of the Soo Locks, giving special thanks to the engineers who designed, built, and continue to run this feat of American know-how. We are certain that

the locks will continue to serve us well in the centuries to come. It is a pleasure to recognize this important structure and the vital purpose it has served in commerce, travel, and our economic well-being; and be it further

Resolved, That copies of this resolution be transmitted to the United States Army Corps of Engineers, the city of Sault Sainte Marie, and the Sault Sainte Marie Convention & Visitors Bureau organization as a token of our esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Barcia, Basham, Birkholz, Bishop, Brater, Cassis, Cherry, Clark-Coleman, Clarke, Cropsey, Garcia, Gilbert, Goschka, Jacobs, Kuipers, McManus, Olshove, Prusi, Switalski, Thomas and Toy were named co-sponsors of the resolution.

### **Introduction and Referral of Bills**

Senators Jacobs and George introduced

#### **Senate Bill No. 618, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2106, 2108, 2109, 2110, 2114, 2127, 3009, 3103, 3107, 3109a, 3135, 3141, 3145, and 3177 (MCL 500.2106, 500.2108, 500.2109, 500.2110, 500.2114, 500.2127, 500.3009, 500.3103, 500.3107, 500.3109a, 500.3135, 500.3141, 500.3145, and 500.3177), section 3009 as amended by 1988 PA 43, section 3103 as amended by 1986 PA 173, section 3107 as amended by 1991 PA 191, section 3135 as amended by 2002 PA 697, and section 3177 as amended by 1984 PA 426, and by adding sections 2109a, 3107c, 3136, 3149, and 3160.

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

Senators Cherry, Jacobs, Emerson and Prusi introduced

#### **Senate Bill No. 619, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

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

Senators Patterson, McManus, Jacobs, Basham, Brater, Barcia, Cropsey, Sanborn and Jelinek introduced

#### **Senate Bill No. 620, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

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

Senators Birkholz, Cropsey, Gilbert, Patterson, Stamas, Toy and Allen introduced

#### **Senate Bill No. 621, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173 (MCL 333.20173), as added by 2002 PA 303.

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

Senators Stamas, Cropsey, Birkholz, Gilbert, Patterson, Toy and Allen introduced

#### **Senate Bill No. 622, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34a (MCL 400.734a), as added by 2004 PA 59.

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

Senators Gilbert, Cropsey, Birkholz, Patterson, Stamas and Toy introduced  
**Senate Bill No. 623, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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

### Statements

Senators Scott, Jelinek, Barcia, Garcia, Clark-Coleman, Switalski, Sikkema, Cassis, Emerson and Brater asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

On last Thursday, I missed several roll call votes. I received an excuse to leave early on Thursday to attend a conference of the National Black Caucus of State Legislators. If I had been here, I would have voted on the following: Roll Call Nos. 253-255, "yes"; Roll Call No. 256, "no"; Roll Call No. 257 "yes"; Roll Call No. 258, "no"; Roll Call Nos. 259-261, "yes."

I have today two stories from my insurance website that I would like to share with you. The first reads: "I have been a citizen of Detroit for over 35 years. I am actively driving to and from work less. I have never had a car accident and my insurance rates are sky high. My husband and I are working to pay high car insurance rates and high homeowners rates. I have an excellent driving record. So, why the high rates for good drivers without a record? That is my concern. No rewards or lower rates for good drivers. We are all mixed in the same mixing bowl with high rates; both good and bad drivers. Is there any hope of lowering the rates for the Detroit citizens?"

Another one: "I am involved in the insurance industry. If you cannot afford to insure your investments, you will not have investments. Auto insurance is required to be able to drive. If it costs more than what the public can reasonably afford to pay, then people will go uninsured as they still have to go to work, school, or to the store to survive. Base rates on the risk that is foreseen, not on other financial products that may be sold to credit-worthy buyers. Creditworthiness does not matter when your home is destroyed by wind, ice or water damage. Driving records, not address or credit scores, should dictate risk. If I have not received a ticket or made a claim in 20 years, am I a greater risk than someone who has more claims, more tickets or more drivers? Is it fair that a person described above may have a better credit score or a more affluent zip code to be paying a lesser insurance? It is not. House fires do not care about credit scores. Cap mandatory insurance rates. Make insurance fair and affordable for all Michigan residents. Remember 'all men are created equal'; let's make our laws in that same manner. Thank you for your efforts to make a difference in this unjust business practice."

This is just another sampling of frustrated citizens in this state who want to see something done about the high costs of insurance.

Senator Jelinek's statement is as follows:

In keeping with what seems to be a tradition of the Senate, it's my privilege to make a very important announcement today. It is my pleasure to announce the birth of my grandson Owen Chase Glossinger, who weighed 7 pounds 2 ounces at birth. He was born at 3:56 a.m. on June 19. Owen makes a fine Father's Day present for my son-in-law Jesse by my daughter JillAnn. Owen is a very handsome young man, and of course, I have pictures to prove it.

Senator Cassis stated that had she been present earlier today when the vote was taken on the postponement of the motion to discharge the Committee on Appropriations from consideration of the following bill, she would have voted "yea":

**Senate Bill No. 246**

Senator Barcia's statement is as follows:

It is with great sadness that I rise today to honor a dear friend and former colleague of many in the Legislature and state government. On Saturday, June 18, former State Representative Sandy Hill passed away.

Sandy continually distinguished herself as a civic activist for community and state. Her passion for family, career, and community garnered her the respect of Governors and colleagues from both sides of the aisle and led to her continued bipartisan appointment to Michigan's Agricultural Marketing and Bargaining Board, where she was a very staunch advocate on behalf of agricultural interests. Subsequent to those terms, of course, many of us know that Sandy served four years as a State Representative, forever etching her face and name in the minds of the citizens of Genesee County. Her contributions and warm heart will forever be remembered.

Our sympathy goes out to Sandy's family and friends, and especially her husband Don and her children Dan, Debra, and Sharon.

Senator Garcia's statement is as follows:

A few weeks ago, this body held a Memorial Day service to honor the memory of those who had fallen in the service of our country. I would like to read a note from one of the parents who attended that service. While it was sent to me, I believe the entire chamber would want to hear its contents. It says, "Senator Garcia, I am the mother of fallen Senior Airmen Jason T. Plite. Jason gave his life on March 23, 2003, in Afghanistan. The first Michigan soldier. It's been a very long 27 months. I have felt the pain and loss of each additional fallen soldier, and know what their family faced. I want you to know that I truly appreciated the tribute you had at the Capitol in honor of Memorial Day. I wasn't up to attending last year, but I am glad I did this year. The presentation was done with great pride and honor. It helps with the healing process knowing that my son and all others are being remembered. Thank you for your continued support and remembering my son." Signed Dawn Peterson.

I wanted you to hear that because today it is with a mixture of sadness and with pride that I share with you the fact that Michigan has lost another one of its brave young men. Lance Corporal Andrew Kilpela, a native of Fowlerville, gave his life in the defense of freedom on June 10, 2005. A young Marine who was just beginning to experience life, he gave his life that others might be safe and free. Andrew left behind his parents Michael and Cheryl, two brothers, a sister-in-law, and many, many friends.

Over 300 people attended the funeral of this fine Marine. It never ceases to amaze me how our country continues to produce young men and women who believe in duty, honor, and country. And while I never met this young man, I am sure he fully embodied these qualities. Unfortunately, Andrew will never realize the joys of raising a family, teaching his son how to play ball, or seeing his daughter off on her first date. His sacrifice allows all of us here to serve the people. In light of that, I would like to read a tribute to him, and afterwards, I would like the body to recognize his family who happens to be in the east Gallery.

The tribute, a special tribute to Lance Corporal Andrew Kilpela:

"LET IT BE KNOWN, That it is with great respect and admiration that we honor the life of Lance Cpl. Andrew Kilpela who served his country for the advancement of freedom and to ensure the longevity of the American Dream.

A Fowlerville High School graduate, Andrew Kilpela enlisted in the Marines two years after his graduation in 2001. Andrew was active in the French Club, Students Against Drunk Driving, soccer, wrestling, and was excited to be a part of the best military in the world.

With early success in the Marines, Andrew was quickly promoted to the rank of Lance Corporal. Andrew was assigned to the 2nd Combat Engineering Battalion, 2nd Marine Division, 2nd Marine Expeditionary Force, based in Camp Lejeune, N.C. Andrew was assigned to detail in Iraq to perform combat operations near Fallujah. He felt strongly that with a sense of duty and hard work, individual men and women could make a difference. His unselfishness, his willingness to assist others, and his love for his family will always be remembered.

Andrew's death in the line of duty at age 22 reminds us how fragile life can be and that the freedoms we all enjoy in this country are not without a price. Andrew lived life with purpose and optimism. Andrew exemplified the U.S. Marine's motto 'Semper Fidelis' which means 'Always Faithful'; Faithful to a fellow Marine, to deployed Marines, to family, to selves, to neighbors, and to community.

Andrew was a one-of-a-kind individual. Stated by his father, Michael Kilpela, Andrew 'was a person that did not worry about tomorrow...did not regret yesterday...he filled every moment of today with love and with joy and with passion for life.' America is fortunate to have young men of the caliber of Lance Cpl. Kilpela. America is stronger and better because of his sacrifice.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to honor the life of Lance Cpl. Andrew Kilpela for his bravery and courage in the line of duty. May parents Cheryl and Michael Kilpela and the other members of his family know of our respect and gratitude for his outstanding contributions."

Signed State Representative Joe Hune, State Senator Valde Garcia, and the Governor of this great state, Jennifer M. Granholm.

Senator Clark-Coleman's statement is as follows:

It is most unfortunate that this august body missed a unique opportunity today to enter into an informal debate about how we place education as a priority in this state. Senate Bill No. 246 would have allowed us to discuss the merits of education. I think that it is certainly unfortunate that with a lot of educators being up here today that it was just a great time to enter into a debate about where we place education as a priority in this state.

School districts across this state are now preparing budgets, gearing up to be able to deal with the issue of educating your and my children and your and my grandchildren. I do congratulate the fair Senator from District 21, and I do understand that it is so important that we focus on educating our children because if we do not, if we miss the boat on this issue, then we are going to pay. If we don't educate on the front end, we will certainly pay on the back end when many of them drop out of school and end up in our correctional facilities.

So I would just really hope that we would get serious; get real serious about how we educate our children and what kind of focus we put on our children. We have a very unique opportunity to do this, and today, with all of the educators up here, we certainly should have taken that opportunity to stand up and talk about it. If nothing else, just discuss it. But we took the easy way out, and we voted to pass it for today so that we can do it in the shadow of darkness.

I would just really urge all of my colleagues here to really take a look. This does not relate to any certain districts. This issue is not an urban district or rural district or suburban district. It's a Michigan district issue, and it is the Michigan district that is suffering. And if we don't understand that, then we need to take a look at how many schools are being closed around this state, how many teachers are being laid off around this state, and how many educators are losing their jobs around this state.

So parents are now organizing and they are speaking up and they are coming here to make sure that we are listening to what they are saying. And if we don't understand that these parents have the last say about how their children are educated and whether or not we come back up here for another term, then we have got another thing coming. We better step back and re-examine what we are doing up here because we have to go back into our districts and we have to explain to all of the citizens in all of our districts why we are not placing education as the No. 1 priority of this state.

Senator Switalski's statement is as follows:

I want to wish a Happy Father's Day to our newest grandfather and wish everyone a belated Happy Father's Day. I thought I would do that by reading a story called "Dad," by Patricia Ware. It's published in the *Lyceum*, which is a student journal from the University of Michigan-Dearborn, and Patricia Ware is an inmate at one of our correctional facilities.

"When I received family photos in the mail from home, taken over several months' time, I was particularly surprised by photos of my eighty-two-year-old dad, who is on oxygen constantly. The pictures show a man I hardly recognize, shrunken, thinner, skin gone slack, thick, rope-like veins protruding on his arms and hands, with a tube running from his nose.

I haven't seen my dad in the twenty-three years I've been in prison. When we talk on the phone, he sounds the same, voice gruff as always, memory sharp. When I last saw him, he was a strong, vital, proud man. His independence, his values, and the sheer desire to keep his family happy made us all proud. He seemed to be capable of anything. He was the mechanic, the plumber, the electrician, the builder and fixer of all things. Once a spark from the fireplace started a fire while we all slept. My dad rescued all seventeen of us—my grandparents, mother, seven brothers, six sisters and me—while fire and smoke engulfed him. He was blind for two months after that. But when he came home from the hospital, he repaired the fire damage and built a new wing on our house.

My dad was always a country man. We lived in rural Georgia where the family still resides. I recall how dad fed the animals each morning before he ate his own breakfast. He always made time for neighbors and friends who often called on his help. He'd always check on several elderly people who lived alone near our farm, bringing them fresh vegetables and mama's baked goods. He tended the crops—potatoes, corn and the variety of vegetables that fed us through the year. He worked long hours at a factory to earn the check that clothed us, entertained us, and provided our general care. He was big in stature, big in heart.

Dad played ball with his fourteen kids, taught us to swim and let us dive into the water from his shoulders. His Sunday ritual was to take all us kids on a long drive in the back of his pick-up truck, mom sitting up front in the cab with him. On his way home, he'd always get a carton of ice cream to eat at home while we watched the Disney Sunday Night movie.

One year, Dad taught me to ride a bike. I dreamed of a new bike of my own that wasn't handed down from one of my older sisters.

'I can't buy you a new bike,' he said, 'but you can get one any color you want.'

'Blue?'

'Yep,' he said, 'if you want a blue bike, it's a blue bike you'll get.'

We drove to the store and he purchased a can of blue spray paint. When we got home, he stripped the yellow paint from my sister's old bike and painted it a beautiful metallic blue.

Dad was also the family disciplinarian. But he disciplined us fairly, and often too lightly, preferring to talk to his kids rather than punish them. But he was tough about certain things—manners, respectfulness, schoolwork, and safety.

I'll never forget the day one of my brothers got into a fight. Dad turned his attention on all of us, saying, 'You don't start no fights but you don't walk away from one either.' That is part of my philosophy to this day.

My family tells me about my dad's slow deterioration and it saddens me. Recently, one of my sisters told me, he got up to use the bathroom and peed in a potted plant. At least he can sit up for meals. My mama told me how he shuffles to the table and back. He doesn't like bathing anymore because she has to help him. Mostly, he just lies in bed, watching television or sleeping.

I dread losing my dad, but I'm torn by what his wishes may be. He was never an idle man, and I know he despises his idleness. I wish I could visit him. I'd take him for a ride in the country. We could reminisce about old times. Maybe he'd like some ice cream."

Well, I want to wish everybody a Happy Father's Day. I hope they had a good one, and remember, there is hope for everybody out there. These professors at U of M-Dearborn volunteer their time and teach classes at Scott Correctional Facility. I have to say it's probably the most rewarding thing I've been involved with in my 17 years in politics.

Senator Sikkema's statement is as follows:

Mr. President and members, I rise to make some observations about Senate Bill No. 246. Earlier today, a statement was made that I agree with, and the statement was that it is time to get serious.

If you look at the history of school funding in Michigan, in the last several years, it is pretty clear that K-12 education has become the top priority of this state. If you look at every single dollar, whether it is taxes or fees, and that includes hunting and fishing license fees or car license fees or income taxes or sales taxes, every single dollar sent to Lansing, 42 percent of it is spent on K-12 education. It basically dwarfs almost every other single expenditure. Community Health is second in terms of \$10 billion, followed by Human Services at \$4.1 billion. We spend \$12.5 billion currently on K-12 education. Now if you look at the history of funding for K-12, I think the best starting off point is Proposal A. If you look at the 10-11-year history of Proposal A, funding for K-12 education in this state has been a 41 percent increase compared to the rate of inflation at 27 percent increase—far and way above the rate of inflation.

You know, it is easy for us to spend money, but it is a lot harder to raise it. Senate Fiscal has testified, they testified last week in a hearing in front of the Senate Appropriations Committee that Senate Bill No. 246 will cost the first year, which is next year starting October 1st, \$1.5 billion—\$1.5 billion increase to state spending. Now there is really only two ways to get that kind of money. One way is to cut spending by \$1.5 billion; the second way is to raise taxes.

Last week, this body passed a budget bill. We passed all the budget bills for the state budget for next year. Not once in three days of debate did I see a single amendment offered to cut spending \$1.5 billion and put that money into the K-12 budget to fund Senate Bill No. 246—not once during the whole week. That's how you can fund Senate Bill No. 246 if you were really serious about it.

Now there is another way you can fund Senate Bill No. 246, but once again, you can only do this if you are serious and if you are not just playing games. That is, you can raise taxes. Tomorrow morning at 10:00 a.m. at this desk on the Senate floor, there will be a blueback to fund Senate Bill No. 246. It will raise the state income tax to 22 percent, required, according to Senate Fiscal, to pay for this proposal. It will raise the state income tax from 3.9 percent to 4.75 percent. Anybody in this chamber who is serious about finding this money is welcome to come to my desk and introduce this blueback. Then we will find out tomorrow morning at 10:00 whether people are playing games or whether you are serious about this proposal.

Senator Cassis' statement is as follows:

It's a thought for today with special thanks to you, dad. Mark Twain is attributed to have recalled some 50 or so years ago: "When I was a boy of 14, my father was so ignorant I could hardly stand to have the old man around. But when I got to be 21, I was astonished at how much the old man had learned in 7 years."

Senator Emerson's statement is as follows:

I want to let the membership know how serious I am about taking up Senate Bill No. 246. The good Majority Leader indicated that there are only two options. He knows better. In this place, there are always lots of options. One of the options when I spoke in front of the committee that held a hearing last week was that I wouldn't support Senate Bill No. 246 in the form that it was drafted. The retroactivity, which costs the bulk of the money, is something that I don't support. I've come to learn that that part is what is most costly. When I asked the Senate Fiscal Agency what the bill would cost without the retroactivity, they talked about \$50 million being the cost of that. I just want the body to know that this year alone, in 2005, we've passed 15 tax cuts to recognize special interests, and those 15 tax cuts that have been passed by the Senate equal \$50 million.

I'd like to have a serious discussion of this bill. I would like the majority to engage in that serious discussion about what we do about funding K-12 education. Not only have we passed tax cuts equaling \$50 million this year alone here in the Senate, but we also—in passing a K-12 spending bill, which I voted against—took nearly \$200 million of General Fund out of the school aid budget from last year.

Now when we passed—some people like to talk about—Proposal A and when it passed and what we've done since Proposal A, and I would say the first seven years after Proposal A, we treated schools pretty well. We treated higher education pretty well, but the last three years, we've indicated that that is not our top priority anymore, and we've held them without any significant increase for the last three years. The first year after Proposal A passed, there was nearly \$700 million of General Fund that supplemented the taxes that were earmarked for schools; today it is \$20 million. I think that indicates to us that we're not serious about funding our schools the way they ought to be funded, but we're paying homage to tax cuts to special interests above and beyond what we ought to be paying homage to, and that is our children and ensuring that they have opportunities in the 21st century. We've all paid lip service to that, and I think it's time that we have a serious discussion. I'm serious about it.

For the Majority Leader to indicate that the only solution is to raise taxes an exorbitant amount none of us support, but to talk about what ought to be done reasonably for our schools, that's a discussion that we ought to engage in. I'm sorry that the majority doesn't wish to engage in that discussion. My hope is that we'll begin that discussion and that was the purpose of introducing the bill.



Today we'll have several thousand people here talking about children and how important it is to fund the education of our children. Some of us may wish to deflect the attention away from ourselves and point it in the direction of how costly it is to hire teachers, how costly it is to provide for their benefits, how costly it is to pay for their retirement, but frankly, this isn't about deflecting attention; it's about having a serious discussion.

While I appreciate the fact that the chair of the subcommittee and the chair of the Education Committee had a hearing last week, I think they'll both tell you that I said in front of the committee that I wouldn't support the bill in the form that it was drafted, but I would support it if you took out the retroactivity. That cost is a reasonable cost and it is a statement that we ought to make that we support our children and they are our first priority.

I would encourage us to take up Senate Bill No. 246 as soon as possible.

Senator Brater's statement is as follows:

Mr. President, I rise because I was very interested in the number that the Majority Leader just gave at the amount of money that we'd have to raise the income tax, the rate to fully fund Senate Bill No. 246. I'm wondering, if the research showed that we'd need 4.7 percent income tax in order to fully fund education under Proposal A, why that research wasn't heeded back in 1999 when the income tax was cut to 3.9 percent.

I, along with a number of people on this floor and this side of the aisle, voted not in 1999 to cut that income tax. I don't think that could be said of anyone on the other side of the aisle. That cut right now is costing the state over \$900 million a year, which is affecting not only public education, but many other vital services—mental health, public health, environmental protection, higher education—so we really do need to work together to find a real solution to this problem.

I had an experience the other day. We had a joint meeting with the Washtenaw Community Health Organization, which includes a number of counties. It was Washtenaw, Livingston, Monroe, and Lenawee counties coming together to administer our mental health programs. Two of my colleagues from the other side of the aisle were there, and we started talking about what we need to do to fully fund these mental health services. One of my colleagues who was there stated, "Well, my constituents don't want to pay more taxes, so we will just have to get along with the money that we have," which means many people in dire need of mental health services are going without them.

After that meeting, a gentleman came up to me and said, "I'm a liberal Republican and I think we should restore that money and I wish we could work together to do that." I said, "Well, would you please tell that to your State Senator?" I hope that we will keep an open mind and open ears to the ability of the people of this state to see the problems that we are now facing and that they might have the perception that we do need to fund these programs adequately if we only gave them the opportunity, gave them the facts, and listened to them instead of posturing and pointing fingers and threatening each other with political paybacks if we try to seek more revenues.

So we all know that income tax restoration can only be done in a bipartisan manner. I, myself, have introduced several bills closing tax expenditure loopholes that Governor Granholm has recommended time after time. I would love to have some bipartisan support for those bills. So I do hope that we can work together to find revenue sources to fully fund public education and the other vital services of state government.

### Committee Reports

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 565, entitled**

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

With the recommendation that the bill be referred to the Committee on Health Policy.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee on Health Policy.

The Committee on Local, Urban and State Affairs reported

**Senate Concurrent Resolution No. 24.**

A concurrent resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix. (For text of resolution, see Senate Journal No. 54, p. 803.)

With the recommendation that the concurrent resolution be adopted.

Laura M. Toy  
Chairperson

**To Report Out:**

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Local, Urban and State Affairs reported

**Senate Resolution No. 40.**

A resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix.

(For text of resolution, see Senate Journal No. 54, p. 804.)

With the recommendation that the resolution be adopted.

Laura M. Toy

Chairperson

**To Report Out:**

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The resolution was placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, June 16, 2005, at 1:00 p.m., Room 110, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Education submitted the following:

Joint meeting held on Thursday, June 16, 2005, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Clark-Coleman

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Thursday, June 16, 2005, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, June 23, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -****Subcommittees -**

**Capital Outlay** - Thursdays, June 23 and June 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Natural Resources Department** - Wednesday, June 22, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, June 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, June 23, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Finance** - Wednesday, June 22, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, June 22, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

**Senior Citizens and Veterans Affairs** - Wednesday, June 22, 1:00 p.m., Room 100, Farnum Building (373-1707)

**Technology and Energy** - Wednesday, June 22, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:41 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 22, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

