

**No. 90**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

---

---

Senate Chamber, Lansing, Wednesday, October 12, 2005.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—excused  
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 Raymond E. Basham of the 8th District offered the following invocation:

Dear gracious, heavenly Father, thank You for allowing us to come together to do the people's work in the great state of Michigan. Please look over our colleagues and help us to work across the aisles so that the majority of these issues will be nonpartisan, that we can focus on doing the people's work, and that You'll give us guidance to do the best that we can do in every decision that we make. In Your name, we pray. Amen.

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

### Motions and Communications

Senator Cropsey moved that Senators Kuipers and Johnson be temporarily excused from today's session. The motion prevailed.

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

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

The following communications were received:

Department of State

#### Administrative Rules Notices of Filing

September 23, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:12 a.m. this date, administrative rule (05-09-02) for the Department of Education, Superintendent of Public Instruction, entitled "*Teachers Tenure*," effective immediately upon filing with the Secretary of State.

September 23, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:14 a.m. this date, administrative rule (05-09-03) for the Department of Community Health, Bureau of Epidemiology, entitled "*Communicable and Related Diseases*," effective immediately upon filing with the Secretary of State.

September 23, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:16 a.m. this date, administrative rule (05-09-04) for the Department of Community Health, Bureau of Epidemiology, entitled "*Heavy Metal and Pesticide Analysis Reporting*," effective immediately upon filing with the Secretary of State.

September 23, 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 and Economic Growth, State Office of

Administrative Hearings and Rules filed at 10:18 a.m. this date, administrative rule (05-09-05) for the Department of Community Health, Director's Office, entitled "*Board of Psychology-General Rules*," effective 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:  
Department of Community Health

September 29, 2005

The Department of Community Health provides the citizens of Michigan with broad spectrum of diverse and essential services. Pursuant to PA 223 of 1976, we have the honor of presenting a detailed report of the activities of the Crime Victim Services Commission for Fiscal Year 2004.

The report describes the Commission's many activities on behalf of victims of crime and crime victim service providers across the state. These activities include financial compensation for injured victims with unpaid medical bills, supporting the work of victims rights advocates in Michigan's county prosecutors offices and giving local agencies added resources to better serve victims of child abuse, sexual assault, domestic violence, drunk driving and other violent crimes that impact our families and neighborhoods.

It is appropriate and significant that these services are all paid for with state and federal crime victim funds. These funds are derived entirely from fines and assessments paid by convicted criminals in state and federal courts.

Sincerely,  
Janet Olszewski  
Director

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

**House Bill No. 4638**

**Senate Bill No. 751**

**House Bill No. 5055**

The motion prevailed.

Senator Schauer moved that Senators Brater, Clarke and Leland be temporarily excused from today's session. The motion prevailed.

Senators Leland and Johnson entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4638, entitled**

A bill to amend 1980 PA 523, entitled "Michigan code of military justice of 1980," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

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. 467**

**Yeas—33**

Allen  
Barcia

Clark-Coleman  
Cropsey

Jelinek  
Johnson

Schauer  
Scott

Basham	Garcia	Leland	Sikkema
Bernero	George	McManus	Stamas
Birkholz	Gilbert	Olshove	Switalski
Bishop	Goschka	Patterson	Thomas
Brown	Hardiman	Prusi	Toy
Cassis	Jacobs	Sanborn	Van Woerkom
Cherry			

**Nays—0**

**Excused—4**

Brater	Clarke	Hammerstrom	Kuipers
--------	--------	-------------	---------

**Not Voting—1**

Emerson

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a uniform code of military justice for the state military forces; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

Senators Clarke and Kuipers entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 751, entitled**

A bill to amend 1929 PA 137, entitled “An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers,” by amending section 19 (MCL 455.219).

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. 468**

**Yeas—36**

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



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.”

The Senate agreed to the full title.

Senator Brater entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Cropsey 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 Thomas as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 664, entitled**

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

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. 665, entitled**

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

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. 666, entitled**

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

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. 667, entitled**

A bill to amend 1982 PA 213, entitled “Michigan revised uniform limited partnership act,” by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

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:  
**House Bill No. 4737, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

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 a substitute therefor, the following bill:  
**Senate Bill No. 663, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

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 a substitute therefor, the following bill:  
**Senate Bill No. 506, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 142, and by adding section 3109c.

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 a substitute therefor, the following bill:  
**Senate Bill No. 722, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 11 (MCL 338.2211), as amended by 2003 PA 87.

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 a substitute therefor, the following bill:  
**Senate Bill No. 723, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 721, 723, 725, 729, 732, 734, and 735 (MCL 339.601, 339.602, 339.721, 339.723, 339.725, 339.729, 339.732, 339.734, and 339.735), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, sections 721, 723, 729, 732, 734, and 735 as added by 1997 PA 10, and section 725 as amended by 1998 PA 380.

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 a substitute therefor, the following bill:  
**Senate Bill No. 724, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 96.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 785**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 785, entitled**

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

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. 470**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Hammerstrom

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Brater stated that had she been present earlier today when the votes were taken on the passage of the following bills, she would have voted "yea":

**House Bill No. 4638**

**Senate Bill No. 751**

**House Bill No. 5055**

By unanimous consent the Senate proceeded to the order of

**Resolutions**

Senator Cropsey moved that consideration of the following concurrent resolution be postponed for today:

**Senate Concurrent Resolution No. 28**

The motion prevailed.

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

**Senate Resolution No. 73**

**Senate Resolution No. 74**

**Senate Resolution No. 75**

The resolution consent calendar was adopted.



Senators Brater, Basham, Clark-Coleman, Hammerstrom, Patterson, Bernero, Prusi, Jacobs, Barcia, Thomas, Leland, Olshove, Emerson, Cherry and Switalski offered the following resolution:

**Senate Resolution No. 73.**

A resolution commending Congressman John Dingell for his achievements on the occasion of his fiftieth year of service in the United States House of Representatives.

Whereas, December 13, 2005, marks the fiftieth anniversary of Congressman John Dingell's service in the United States House of Representatives. Congressman Dingell began his career as a member of the United States House of Representatives in 1955. He is the longest-serving Representative of the 435-member body; and

Whereas, Congressman Dingell has gone out of his way to befriend and advocate for his constituents. He is a generous and warm-spirited gentleman who extends a hand of genuine friendship and respect to all the elected officials, community leaders, and citizens of his district. He has taken the lead in a multitude of key policy areas during his fifty years in Congress, including labor, health care, civil rights, fair economic and governmental policy principles, and conservation. Through the ups and downs of ten administrations in Washington, Congressman Dingell has been a champion of many special causes; and

Whereas, Congressman Dingell is known for his overwhelming concern for the rights and safety of working men and women. His legislative work on labor and the economy has included promotion of higher wages for workers, protection of the rights of workers and consumers, prevention of large-scale outsourcing, and implementation of fair trade. Congressman Dingell has been a leader in universal health care coverage and health care for women, children, and senior citizens. He has authored laws to create affordable and comprehensive health care; and

Whereas, Congressman Dingell has constantly fought for equality and justice. He has been at the forefront of the struggle for fairness and equity, equal access to higher education for minorities, and prevention of racial profiling and hate crimes; and

Whereas, Congressman Dingell is a strong conservationist and has created landmark environmental protection statutes for clean water, public health, pollution prevention, endangered species, wildlife refuge, habitat preservation, environmental consequences in business, and implementation of environmentalism in corporate policies. He has represented the Great Lakes State well and has worked to preserve the heritage, history, culture, and natural resources that the state of Michigan harbors; and

Whereas, Congressman Dingell has foregone the peace and rest of retirement that he long ago earned in order to continue serving the public. As the Dean of the Congress, he is in a singular position to articulate and effect needed change in public policy, and we are grateful that he continues to be willing to labor on our behalf; now, therefore, be it

Resolved by the Senate, That we salute Congressman John Dingell on the occasion of his fiftieth anniversary of service in the United States House of Representatives. We wish him many more years of health, happiness, and productive public service; and be it further

Resolved, That a copy of this resolution be transmitted to Congressman John Dingell in celebration and in gratitude for his fifty years of unwavering efforts to build a better community.

Senators Birkholz, Cassis, Clarke, Cropsey, Garcia, George, Gilbert, Goschka, Hardiman, Jelinek, Johnson, McManus, Sanborn, Schauer, Scott, Stamas, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Garcia, Hammerstrom, Sikkema, Kuipers, Johnson, Stamas, Jelinek, Cropsey, Goschka, Hardiman, McManus, Birkholz, Cassis, Allen, Van Woerkom, Toy, Gilbert, Bishop, George, Brown, Cherry, Schauer, Bernero, Jacobs, Brater and Thomas offered the following resolution:

**Senate Resolution No. 74.**

A resolution to recognize September 15, 2005, through October 15, 2005, as Hispanic Heritage Month.

Whereas, Spanish-speaking people have brought to our nation the gifts of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater, and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent—including those who have lived in Michigan for generations and those who are new to the Great Lakes State—who contribute to Michigan's economy and society through their commitment to professions, commerce, family, and the arts; and

Whereas, Time and again throughout our nation's history, Hispanic Americans have faithfully defended the principles of freedom and representative government, and indeed, 41 Hispanic Americans have earned the nation's highest honor, the Congressional Medal of Honor; and

Whereas, During the month spanning from September 15 - October 15, Michigan's Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance, art; now, therefore, be it

Resolved by the Senate, That we hereby recognize the month of September 15, 2005, through October 15, 2005, as Hispanic Heritage Month in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state.

Senators Basham, Clarke, Scott and Switalski were named co-sponsors of the resolution.

Senator George offered the following resolution:

**Senate Resolution No. 75.**

A resolution recognizing October 12-20, 2005, as United States Bone and Joint Decade National Awareness Week.

Whereas, For more than 35 million Americans, movement is restricted by a musculoskeletal disorder such as arthritis, back pain, fracture, osteoporosis, or sports trauma; and

Whereas, As part of the worldwide Bone and Joint Decade Initiative, U.S. patient and physician healthcare organizations, government agencies, and industry have come together to improve prevention of bone and joint disorders and to improve the quality of life for those affected; and

Whereas, The goal begins with increased awareness, solid information, and ongoing research. To this end, a specific week has been designated to bring attention to this issue; and

Whereas, Many activities are planned for the week, including new program launches, timely news announcements, and the release of a newly produced *National Awareness Week Tool Kit* for all participating organizations offering creative ideas; and

Whereas, Other activities during this special week involve races, walks, screenings, bone density tests, health fairs, sporting events, and special presentations to educate the public about musculoskeletal disorders; now, therefore, be it

Resolved by the Senate, That we join the American Academy of Orthopaedic Surgeons and the Michigan Orthopaedic Society in recognizing the week of October 12-20, 2005, as United States Bone and Joint Decade National Awareness Week; and be it further

Resolved, That we encourage all the citizens of Michigan to learn how musculoskeletal conditions can affect their daily lives and how to make smart bone health choices; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Orthopaedic Society as a token of our support.

Senators Basham, Bishop, Cassis, Cherry, Clarke, Cropsey, Goschka, Hardiman, Jacobs, Kuipers, Schauer, Scott, Switalski, Thomas, Toy and Van Woerkom were named co-sponsors of the resolution.

**Senate Resolution No. 57.**

A resolution to express opposition to the study and construction of an international border crossing in the Downriver area.

The question being on the adoption of the resolution,

The resolution was adopted.

**Senate Concurrent Resolution No. 27.**

A concurrent resolution to express opposition to the study and construction of an international border crossing in the Downriver area.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 30.**

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-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 471**

**Yeas—37**

Allen  
Barcia

Clark-Coleman  
Clarke

Jacobs  
Jelinek

Sanborn  
Schauer

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

**Nays—0**

**Excused—1**

Hammerstrom

**Not Voting—0**

In The Chair: Birkholz

**Senate Concurrent Resolution No. 31.**

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-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 472**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Hammerstrom

**Not Voting—1**

Leland

In The Chair: Birkholz

**Senate Concurrent Resolution No. 32.**

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 Renovations Phase II Literature, Science, and the Arts Building.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 473****Yeas—37**

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

**Nays—0****Excused—1**

Hammerstrom

**Not Voting—0**

In The Chair: Birkholz

Senator Schauer offered the following resolution:

**Senate Resolution No. 71.**

A resolution to memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter.

Whereas, Natural gas prices have risen significantly over the past year. The reasons include increasing demand for natural gas, declining production in both the United States and Canada, and disruptions to the energy supply

infrastructure caused by Hurricane Katrina. While this increase in cost has already exacted a toll in many areas of our national economy, the full impact has yet to be felt. This winter, when seasonal demand reaches its peak, costs are expected to strike a terrible blow to people who have had difficulties paying their home heating bills even before the recent increase in prices; and

Whereas, For many years, utilities and their customers have supplemented governmental programs through various heating assistance initiatives. However, public and private programs offering help to low-income families trying to heat their residences are already stretched thin. This winter's situation is expected to bring a crisis to many people, including low-income seniors who will almost surely face difficult choices; and

Whereas, Michigan's Public Service Commission has warned that homeowners could expect increases of \$40 a month or more if the winter is very cold. Gas companies in Michigan and across the country are urging their customers to take steps to prepare for the cost of winter home-heating fuel by budgeting for this expense and having their homes properly weatherized. Another key part of dealing with this problem will be for Congress to significantly increase funding to help state programs for low-income residents; and

Whereas, The federal Low Income Home Energy Assistance Program (LIHEAP) is one of the most critical components of the social safety net. Community Action Agencies and advocates for the vulnerable in society have called for increases to LIHEAP for the past several years as appropriations levels have not kept up with rising heating costs, rising poverty, and an ever-increasing aging population. There are discussions under way in Congress to increase the current funding level for LIHEAP to at least \$3.4 billion. Clearly, such actions to bring home-heating help to our most needy citizens are in order; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter; and be it further

Resolved, That copies of this resolution be transmitted to the Office of President of the United States, 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 Cropsey 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 Cropsey moved that the resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senators Barcia, Basham, Birkholz, Cherry, Clark-Coleman, Clarke, Goschka, Jacobs, Leland, Patterson, Prusi, Scott, Switalski and Thomas were named co-sponsors of the resolution.

Senator Jacobs offered the following resolution:

**Senate Resolution No. 72.**

A resolution to memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients.

Whereas, Approximately 130,000 people under the age of 45 are diagnosed with cancer each year. At least 90 percent of patients within this age group will undergo potentially sterilizing treatments such as surgery, chemotherapy, or radiation; and

Whereas, Survivorship rates have dramatically increased over the years expanding the life expectancy of 71 percent of cancer patients by at least five years beyond the diagnosis of their disease. The long-term consequences of cancer treatment, such as infertility, are of increasing concern to patients since they are highly likely to survive their cancer. The diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself; and

Whereas, Successful fertility preservation options for men and women include sperm banking, oocyte (egg) freezing, and ovarian and testicular tissue freezing. Many cancer patients are given the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatment begins. However, many others do not take these steps because they were not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options; and

Whereas, Unrelated factors such as marital status or poor prognosis should not preclude certain patients from being informed about their fertility risks and options. The 2003-2004 President's Cancer Panel Report recognized that comprehensive written and verbal information regarding fertility side effects and fertility preservation options for all reproductive-age patients should be provided before treatment; and

Whereas, The great state of Michigan has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer a death sentence. We should do everything possible to make fertility preservation options available for cancer patients; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients by endeavoring to:

(A) encourage research that will strengthen fertility preservation options for cancer patients;

(B) continue to consider ways to improve access to fertility preservation options for cancer patients; and  
(C) raise awareness about the fertility side effects and fertility preservation options for cancer patients; 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, the Michigan Congressional delegation and the United States Department of Health and Human Services.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey 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 Cropsey moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Clarke, George, Goschka, Leland, Scott and Thomas were named co-sponsors of the resolution.

### **House Concurrent Resolution No. 19.**

A concurrent resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

Whereas, The economic challenges facing Michigan serve to illustrate the fact that policymakers in this state can never rest in their efforts to foster economic development and create job opportunities. Although states across the country are coping with financial difficulties and American jobs are threatened in many sectors of the economy, the fact remains that Michigan is especially vulnerable and has absorbed an inordinate portion of the nation's job losses over the past few years; and

Whereas, A key area where state policies can impact the development of the economy and job creation is the administrative process. The promulgation of rules by executive branch departments, although intended to provide necessary standards and to increase public health and safety, can sometimes impede progress and stifle interest that companies may have to locate or expand in our state; and

Whereas, Over the years, there have been many examples of administrative regulations that have hindered, rather than helped, the cause of creating jobs and promoting economic activity. This has been clearly illustrated recently in discussions at the federal and state levels on the establishment of ergonomic standards. Although the federal government no longer requires the states to set ergonomic standards, proposals have been under way in Michigan in spite of the fact that mandating ergonomic standards would put many job providers at a competitive disadvantage; and

Whereas, It is imperative that every regulation be developed in the real-world context of our state's competition for economic development and jobs. For this reason, Michigan's standards should not be more stringent than those of the federal government. All sectors of society must remember that jobs and opportunities that are lost are a threat to the economic well-being and stability of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation; and be it further

Resolved, That copies of this resolution be transmitted to the State Office of Administrative Hearings and Rules.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Cropsey 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 concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Economic Development, Small Business and Regulatory Reform.

The motion prevailed.

Senators Cassis, Cropsey, Garcia and Goschka were named co-sponsors of the concurrent resolution.

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

Senators Cassis, Switalski, Toy, Birkholz, McManus and Allen introduced

#### **Senate Bill No. 807, entitled**

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082), as amended by 2005 PA 31.

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

Senators Garcia, Birkholz, Jacobs, Brater and Clarke introduced

**Senate Bill No. 808, entitled**

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 1b.

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

Senators Garcia, Cropsey, Kuipers, Birkholz, Van Woerkom and Clarke introduced

**Senate Bill No. 809, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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

### Statements

Senators Garcia, Jacobs, George, McManus, Prusi, Scott, Toy and Hardiman 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:

Today, on the Capitol steps and later tonight, we're going to be celebrating Hispanic Heritage Celebration Month. We introduced Senate Resolution 74 into the record and I'm not going to read it all, but I'm just going to point out that throughout this great country's history, we've had 41 Hispanic Americans who have earned the nation's highest honor, and that is the Congressional Medal of Honor. We are privileged to be part of this great nation, and during the month spanning from September 15 to October 15, we celebrate the heritage of Hispanics all across this nation.

I just want to remind this body and those listening in the offices, please join us outside today. I realize it's a little chilly, but we'll have some great food to warm you up. We'll have a small program and perhaps you can join us tonight at dinner, where we honor great Hispanics from the state who have contributed to our state here as well.

Senator Jacobs' statement is as follows:

As is my custom, I am today talking a little bit about the Jewish holiday of Yom Kippur, which is the Day of Atonement and is the most sacred of the Jewish holidays, the "Sabbath of Sabbaths." It begins this evening, as a matter of fact.

By Yom Kippur, the 40 days of repentance that begin with the first of Elul have passed, and on Rosh Hashanah, we believe that God has judged most of mankind and has recorded God's judgment in the Book of Life. But there's a ten-day reprieve because on Yom Kippur, the Book of Life is closed and sealed and those that have repented for their sins are granted a good and happy new year.

Since Yom Kippur is the day to ask forgiveness for promises broken to God, the day before is reserved for asking forgiveness for broken promises between people, as God cannot forgive broken promises between people.

Yom Kippur is a day of not doing. There is no blowing of the shofar, the ram's horn that I spoke about on Rosh Hashanah, and Jews may not eat or drink, as fasting is the rule. It is believed that to fast on Yom Kippur is to emulate the angels in Heaven, who do not eat, drink, or wash. We also do not work, and therefore, I am very grateful to the leadership on the Republican side for not holding session tomorrow and for the sensitivity that has been offered to make sure that all Jews can participate in our government process. I really sincerely thank you.

On the eve of Yom Kippur, that is tonight, the community will join others at the synagogue. As night falls, the cantor begins the Kol Nidre, which is repeated three times, each time in a louder voice. The Kol Nidre emphasizes the importance in keeping vows, as violating an oath is one of the worst sins.

An important part of the Yom Kippur service is the Vidui, or confession, and the confessions serve to help reflect on one's misdeeds and to confess them verbally as part of the formal repentance in asking God's forgiveness. My colleague from the 5th Senate District wanted me to remind folks that he will be repenting for a lot of things this week, but offering forgiveness as well. Because community and unity are an important part of Jewish life, the confessions are said in the plural; we are guilty.

As Yom Kippur ends, at the last hour, a service called Ne'ila offers a final opportunity for repentance. It is the only service of the year during which the doors to the Ark, where the Torah's scrolls are stored, remain open from the beginning to the end of the service. That signifies that the gates of Heaven are open at this time.

Yom Kippur is over at the sounding of the shofar; then we break and have a wonderful feast. I wish my Jewish colleagues and my Jewish community an easy fast tomorrow.

Senator George's statement is as follows:

Yesterday, I read a report in the *Lansing State Journal* regarding recent events which took place on the campus of Michigan State University and I wanted to comment on those events. I first wanted to remind you that a couple of weeks ago, there was some discussion on the Senate floor about what was then an upcoming football contest between our two greatest state universities and certain predictions were made. There was even a request by one of our invocators for divine intervention. Some of us would say that our prayers were answered. Others might assert that the outcome of the game is the best actual proof yet for the intelligent design theory. I prefer to think, though, that God has more important things to be concerned about, like the outcome of the Michigan-Ohio State game, but that's just my opinion.

What I read in yesterday's *Lansing State Journal* was about the events that took place to mark the 150th anniversary of Michigan State. The parade involved students, alumni, floats, and the Spartan band. Certain dignitaries were present, including former Governor Blanchard and various legislators. After the parade, President Simon unveiled a newly bronzed Sparty statue outside of Spartan Stadium. Later that evening at the Breslin Center, comedian Jay Leno performed as part of the anniversary celebration. Now this is all fine and I applaud the university on noting its sesquicentennial, but I am disappointed that an important piece of the history of the university has apparently been neglected. Have you ever wondered why the Michigan Agricultural College was founded 150 years ago? What was happening in 1855 and who founded it?

Well, in 1855, the nation was engaged in the debate over slavery. Federal legislation had been enacted the year before allowing new states to choose for themselves whether they would be slave or free. This opened the possibility that slavery could actually spread northward to Kansas or Nebraska. How did Michigan's citizens respond? They formed a new political party to oppose the spread of slavery, and at that party's first convention, a platform was adopted calling for the establishment of a state agricultural college.

Why would those opposing slavery be interested in an agricultural college? Think about it. Michigan farmers suddenly faced the prospect of competition from slave plantations in Kansas or Nebraska—slave farms growing not cotton, but the same crops grown here. How could a Michigan farm relying on free men compete against a slave plantation? There is only one way: by increasing productivity through the application of scientific principles to farming.

It was our forefathers right here in the Michigan Legislature in 1855 who created the nation's first agricultural college as part of their strategy in the struggle against slavery. Using agricultural science to increase the yield of the land was Michigan's answer to plantation farming. A few years later, in the midst of the Civil War, President Lincoln encouraged other states to follow Michigan's lead then by signing the Federal Land Grant Act establishing funding for agricultural colleges such as ours.

So congratulations to my Spartan friends, and be proud of the real history of your university, which is bigger and more important than Sparty or parades or sports trophies. Michigan State University was born by the action of our legislative predecessors in the battle to end slavery and the struggle for freedom.

Senator McManus' statement is as follows:

The state's contract with the Michigan Youth Correctional Facility is set to run out on Friday, and it seems we are left with more questions than answers regarding the future of this facility and the community. It seems easy on the surface to say to the folks who work at the prison, just find jobs in other places; but those of us who actually take the time to visit our communities and talk with people know that it's not quite that simple, and no, Governor, driving through a community is not the same as visiting it and talking to people. That's where the term "limousine liberal" comes from.

This so-called solution also fails to address the larger issue: the state is renegeing on its contract and causing an entire community to lose its economic base. The GEO Group made every effort to work with the Department of Corrections to make the facility and the contract meet our state's changing needs, and this administration wouldn't even come to the table. The administration has sent a very dangerous message to businesses looking to invest in our state and our community. In the future, we hope that they will welcome them.

Is it worth the savings? Let's see. According to the Auditor General's report, closing the Baldwin prison would only save \$2.2 million last year, not the \$18 million some claim. Now the GEO Group has raised a legitimate concern regarding rent for the building they have tailor-made in the past with the state's certain standards and built in Lake County at very considerable expense. If the state, indeed, owes rent on this building, we may not see any savings from the closing of that particular prison, and my question is, "Governor, didn't you read the fine print? To my knowledge, you're a Harvard-educated attorney. You're Michigan's former Attorney General, and I just don't understand how you missed that detail."

How is the administration dealing with this particular development? They are pointing their fingers at who? The Legislature; in particular, the House and the Senate, claiming it is our responsibility to get the state out of this mess the Governor has caused for us. It seems to me we already gave her her out. We gave her an alternative in terms of the



savings that we presented to her so she didn't have to break the contract with the GEO Group, but she refused to take that direction, refused to take that particular road.

Well, I'm sorry, Governor, but the buck stops at your desk and that's the one who needs to deal with the situation. It is up to you to find the solutions for this particular problem. You have created the problem in Baldwin, not the Legislature. The community is waiting. I am waiting.

Senator Prusi's statement is as follows:

It is with great sadness that I rise to inform you of the recent passing of Corporal Nicholas O. Cherava, 21, of Ontonagon, Michigan. Corporal Cherava and three fellow Marines were killed on Thursday, October 6, 2005, when their Humvee overturned after hitting an improvised explosive device while conducting combat operations against enemy forces in Karmah, Iraq. The soldiers were assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, of the 2nd Marine Expeditionary Force at Camp Lejeune, North Carolina.

Born in Michigan's Upper Peninsula, Corporal Cherava, or "Chevy" as he was known to childhood friends, was raised on the family's 240-acre cattle farm in Ontonagon, Michigan. From the time he could walk, Nick had dreamed of following in the footsteps of his father, the late Thomas Cherava, who had served in the Marine Corps in the late 1940s. Surrounded by forestlands, it was near the family farm that as a young boy, family members recall watching Nick dress in full camouflage, head deep into the woods and using his internal compass, chart his way back home through the vast maze of trees.

His mother Sharon also recalls that from the time Nick was in elementary school, his entire bedroom was covered in camouflage and equipped with a headboard that very appropriately was draped with a United States Marines flag. She also explained an instance where, at age eight, Nick and his father had each received an American flag for Christmas, and upon realizing that his father had received a much larger version, this future Marine demanded an upgrade. After convincing his mother to exchange it, she helped him hang it from his bedroom ceiling, where it remains today.

Extreme loyalty to his country combined with a deep-rooted love of the Marines led Corporal Cherava to pursue his childhood dream of a career in the military. In 2003, after graduating from Ontonagon High School, Nick decided to follow in his father's footsteps and enlist in the United States Marines. At the time, he was said to be such an active and persuasive recruiter for the Corps that he was able to convince six other friends to enlist with him. While he was said to resemble his father in looks, Nick shared his mother's upbeat personality. He was the proud Marine that his platoon leader said fellow soldiers always looked to for a boost in morale.

Those closest to him recall Nick's inquisitive nature. It is said that he loved to research everything, from minerals to his rich Armenian heritage. According to his family, Corporal Cherava had remarkable computer skills and a wide variety of interests that encompassed animals, loud music, hiking, and trudging through the wooded acreage of his childhood farm. He is described as an extremely patriotic young man who loved his family and his country.

Trained to deploy rapidly by air and land, combat-ready for expeditionary deployment anywhere in the world, Nicholas Cherava was the epitome of what a U.S. Marine was meant to be. He was a bold and brave young man who died defending the freedoms we so richly enjoy, yet so often take for granted.

True to the motto of his 2nd Marine Regiment Unit, Corporal Nicholas Cherava is remembered as a soldier who was "second to none." One of 45 Marines from Camp Lejeune to lose his life since the base began deploying troops to Iraq in late January and February, Cherava, who was serving his second tour of duty, is the third soldier from the Copper Country to die in Iraq and the 61st member of the United States Armed Forces with known ties to Michigan to be killed in the war. Corporal Cherava is survived by his mother Sharon and two sisters.

It is with great pride that we honor the life of Corporal Nicholas O. Cherava, and it is with heavy hearts that we mourn the loss of this courageous young man. On behalf of the Michigan Senate, we extend our heartfelt gratitude for his dedicated service to the United States Marines. Our thoughts and prayers go out to his family and friends during this time of grief and sorrow.

In closing, I would ask that my colleagues, staff, and those in the Gallery rise to join me in a moment of silence.

A moment of silence was observed in memory of U.S. Marines Corporal Nicholas O. Cherava.

The President, Lieutenant Governor Cherry, resumed the Chair.

Senator Scott's statement is as follows:

As you know, yesterday, I believe we had a very successful rally at the Capitol, and thank you, Mr. Lieutenant Governor, for coming out and being a part of it and everyone who participated in this rally. Let me tell you, those people who came from all over the state were very appreciative that you understood their needs.

See, this is not something where people are asking for some "wants." These are needs. We need to make the quality of life better for people and we can simply do it by changing the laws. We are making people do so many wrong things. They cannot afford insurance, so they're using family members' and friends' addresses in other communities, which is not fair.

They're also driving without licenses. I'm sure you hope you catch them, so that they can pay these enormous fees that they can't even afford. People are having to make choices on whether they eat certain foods or whether they pay their utility bills, which are very high and it's known that they're going to go up in cost. People in the inner cities are just paying too much. Let me tell you, you may have your suburban townships and homes and cities out there, but without the largest city in this state, you're in trouble. It's really sad that we do not care about the largest city in this state because no matter whether we're dealing with appropriations, we seem to continue to cut. We cut the libraries, we cut the social programs for these people, and then we charge them the highest insurance rates in the country, being the eleventh largest city.

Not only is it Detroit, but we did a study. We did a task force three years ago and found out that actually, in the suburban areas, they were paying more. Now we know all the accidents don't happen in the urban areas. All the cars aren't stolen in the urban areas. Those in suburban areas come into the cities. Your cars stay in the city longer than do your homes, but you don't pay hazard insurance for coming into the city. It's alright for you to come in.

Let me just say, it is time for us to make a difference here in these people's lives. You know, we could have a disaster here just like we had in the Gulf where these people don't have any insurance. They couldn't afford it. They were very poor people. Now you have made these poor people poorer. I told you that some time ago. Now you succeeded. Now God forbid we have a disaster here and these people lose their homes and that. So what are we going to do, ship them off to some other states, like they've done with those in the Gulf, ship them off? We have people here who we're not taking care of. I don't believe that my colleagues are doing this intentionally, but let me say this to you. It's time for us to do something about it and we can certainly do it now.

I'm going to read you a couple more from my website because I'm not stopping until we get this resolved. This story says, "I agree that something needs to be done about the high cost of both auto and homeowner's or renter's insurance for people living in Detroit. As a single mother, it is difficult to maintain auto insurance on my vehicle at the rate of \$2,600 to \$3,100 every six months that I have been quoted in the past. Any help on this issue would be greatly appreciated."

The next one, "Fortunately, I have a good driving record, so my insurance is not off the charts; however, it is still costly enough that I may have to find a second job just to make my house payments each month and I live a very modest lifestyle, bordering on poor as it is. As it is, I have no extra money left for clothing."

Senator Toy's statement is as follows:

Five hundred thirteen years ago today, a man named Christopher Columbus landed in a new world, cut off by time and a vast body of water from Europe and unknown to the most powerful nations of the West. Searching for a nautical route that would facilitate trade with Asia, some openly laughed at Columbus, while leading experts of the day, who recognized that the Earth was, in fact, round, nonetheless argued that he had greatly underestimated the distance from Spain.

The experts were right. Columbus never made it to the West Indies as he had planned, but more importantly, he didn't fall off the edge of the Earth either. Instead, he re-discovered the Americas.

In retrospect, this seems fitting. A poor boy from Genoa, Italy, Christopher Columbus lived the American Dream 300 years before our country was founded. Rejected by kings, he persisted until his expedition was finally funded by King Ferdinand and Queen Isabella of Spain. Failing at his mission, but most certainly not a failure, we are reminded that sometimes out of the greatest mistakes, the greatest things come.

For those with passion and courage, who are not afraid to take the risk, there can be many rewards. But perhaps the greatest is that of purpose. As John Shedd once said, "A ship in harbor is safe, but that is not what ships are for."

On Columbus Day, I am also reminded of the contributions of the many immigrants who through the spirit of invention have helped to build our nation and of my own rich Italian heritage.

Although there may be few new lands on this Earth left to discover, the legacy of these men and women lives on today through a new generation of exploration. This new age is marked by the investigation of new frontiers in space, medicine, energy, and other technologies.

Today, let us remember the spirit of discovery and courage that marked the life of Christopher Columbus and the founding of our nation.

Senator Bernero, and my chief of staff, Heather Lombardini, Melissa from our leader's office, and many of you who are Italian, I ask to join with my colleagues today in recognizing and celebrating Columbus Day. I would remind everyone that if you're enjoying it as an American here in this great state of Michigan, today, please say thank you to an Italian.

Senator Hardiman's statement is as follows:

Today, we have heard from the Hispanics about Hispanic Celebration Month and also, more recently, the Italians. And I certainly appreciate the contributions of so many to this great country and the diversity that really helps to make us so very strong. So my congratulations go out to both those groups as well.

I do want to mention to the Jewish community that I really appreciate the wonderful description that the good Senator from the 14th District, my friend and colleague, gave us on Yom Kippur—but on all the Jewish holidays—a Day of Atonement, a very special day, a time of repentance. I think that's an example for all of us.

I want to wish my Jewish friends and colleagues a blessed Day of Atonement and recommend to all of us that we take time to do a little self-inspection ourselves and perhaps even repent of those things that we need to so that we might live a better day as well.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Tuesday, October 18, 2005. The motion prevailed.

### Committee Reports

The Committee on Families and Human Services reported

#### House Bill No. 5110, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2002 PA 696.

With the recommendation that the bill pass.

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

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, October 11, 2005, at 3:15 p.m., Room 110, Farnum Building

Present: Senators Hardiman (C), Sanborn, Jacobs and Clark-Coleman

Excused: Senator Hammerstrom

### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, October 11, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Toy, McManus and Schauer

Excused: Senators Allen (C) and Olshove

### Scheduled Meetings

**Judiciary** - Tuesday, October 18, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Local, Urban and State Affairs** - Thursday, October 13, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Senate Fiscal Agency Board of Governors** - Thursday, October 27, 9:00 a.m., Room S-101, Capitol Building (373-0797)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:32 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, October 18, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

