

No. 91
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, October 18, 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

Pastor Tim Rader of Fundamental Baptist Church of Kinross offered the following invocation:

Father in Heaven, we thank You for this day. We pause for a just a moment and give You glory and ask for Your help. We pray, God, that You would be with every decision that is made here today, and Lord, may everyone involved realize that one day, we stand before You. We pray for great wisdom, direction, and light. God, we ask that You would be with our Governor. We pray that You would be with our President and all that he is dealing with and she is dealing with today, and we ask, dear Jesus, that You'd be glorified in all of it. In Christ's name. Amen.

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 10:03 a.m.

11:38 a.m.

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

During the recess, Senators Switalski, Jacobs, Basham, Cherry, Cassis, Hardiman, Sanborn, Toy, Gilbert, Stamas, Patterson, Brown, McManus, Jelinek, Emerson, Kuipers, Cropsey, Thomas, Johnson, Birkholz, Bishop, Goschka, George, Van Woerkom and Sikkema entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senators Garcia and Allen entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

House Bill No. 5047

House Bill No. 5048

House Bill No. 5109

House Bill No. 5215

House Bill No. 5216

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

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

October 12, 2005

Pursuant to Article 2, Part 2, Section 242 (1)(b) of PA 154 of 2005, I am hereby appointing Senator Michael Switalski to the Community College Task Force.

Sincerely,
Bob Emerson
Senate Democratic Leader
27th District

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 12:
House Bill Nos. 4257 4798 5023 5054 5135 5145

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 13, for her approval the following bill:

Enrolled Senate Bill No. 501 at 11:18 a.m.

The Secretary announced that the following official bills were printed on Wednesday, October 12, and are available at the legislative website:

Senate Bill Nos. 805 806
House Bill Nos. 5278 5279 5280 5281 5282 5283 5284

The Secretary announced that the following official bills were printed on Thursday, October 13, and are available at the legislative website:

Senate Bill Nos. 807 808 809
House Bill Nos. 5285 5286 5287 5288 5289 5290 5291 5292 5293 5294 5295 5296 5297

Messages from the Governor

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

Senate Bill No. 272
Senate Bill No. 271
Senate Bill No. 264
Senate Bill No. 274
Senate Bill No. 281

The motion prevailed.

The following messages from the Governor were received:

Date: October 11, 2005
Time: 12:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 548 (Public Act No. 172), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 7 (MCL 28.297), as added by 1997 PA 99.

(Filed with the Secretary of State on October 12, 2005, at 9:50 a.m.)

Date: October 11, 2005
Time: 12:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 549 (Public Act No. 173), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide

for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

(Filed with the Secretary of State on October 12, 2005, at 9:52 a.m.)

Date: October 11, 2005

Time: 12:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 550 (Public Act No. 174), 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," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

(Filed with the Secretary of State on October 12, 2005, at 9:54 a.m.)

Date: October 11, 2005

Time: 12:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 415 (Public Act No. 175), 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," by amending sections 82101 and 82148 (MCL 324.82101 and 324.82148), section 82101 as amended by 2003 PA 230 and section 82148 as added by 1995 PA 58.

(Filed with the Secretary of State on October 12, 2005, at 9:56 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received and read:

October 11, 2005

Due to an error on the September 20, 2005 letter filed with your office pursuant to Section 6 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484, please be advised of the following correction:

Michigan Broadband Development Authority Board of Directors

Ms. Frida M. Waara, an Independent, of 309 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, succeeding Timothy J. Laing, whose term has expired, representing members with knowledge, skill, or experience in the academic, business, technology, or financial fields, for a term commencing **September 20, 2005** and expiring December 31, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 14, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

State Board of Accountancy

Ms. Ellen S. Cogen Lipton of 26330 Hendrie Boulevard, Huntington Woods, Michigan 48070, county of Oakland, succeeding Lawrence R. Donaldson, whose term has expired, representing the general public, as an attorney, who is a member in good standing of the bar of this state, for a term commencing October 14, 2005 and expiring June 30, 2009.

October 14, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 13 of the Michigan Early Stage Venture Investment Act of 2003:

Michigan Early Stage Venture Investment Corporation Board of Directors

Mr. Douglass J. Diggs of 782 Middlesex, Grosse Pointe Park, Michigan 48230, county of Wayne, reappointed to represent the general public, for a term expiring June 13, 2008.

October 14, 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 state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Plum Advisory Board

Mr. Michael R. VanAgtmael of 2102 North 144th Avenue, Hart, Michigan 49420, county of Oceana, succeeding Trever G. Meachum, whose term has expired, representing at-large growers, for a term commencing October 14, 2005 and expiring July 1, 2007.

Mr. Martin J. Daly of 3750 West Jackson Road, Hart, Michigan 49420, county of Oceana, reappointed to represent growers from Central Michigan, for a term expiring July 1, 2007.

Mr. Paul J. Rood, Jr., of 72723 C.R. 378, Covert, Michigan 49043, county of Van Buren, reappointed to represent growers from Southern Michigan, for a term expiring July 1, 2007.

October 14, 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 state office under Sections 16121 and 16907 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16907:

Board of Marriage and Family Therapy

Ms. Diane M. Jordan of 3342 Perry, S.W., Wyoming, Michigan 49519, county of Kent, succeeding Dorothy Harper Jones, whose term has expired, representing licensed marriage and family therapists, for a term commencing October 14, 2005 and expiring June 30, 2007.

Ms. Deborah Urbach Warsh of 5682 Raven Road, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Tracey L. Stulberg, whose term has expired, representing licensed marriage and family therapists, for a term commencing October 14, 2005 and expiring June 30, 2007.

Ms. Anita Taylor of 1218 Water Cliff Drive, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent licensed marriage and family therapists, for a term expiring June 30, 2009.

October 14, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17521:

Michigan Board of Osteopathic Medicine and Surgery

Mr. Douglas P. Vanator, D.O., of 623 Shipherd Street, P.O. Box 398, Olivet, Michigan 49076, county of Eaton, succeeding Michelle Keys, whose term has expired, representing osteopathic physicians, for a term commencing October 14, 2004 and expiring December 31, 2008.

October 14, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005:

Michigan Strategic Fund Board of Directors

Mr. James C. Epolito of 6220 Heathfield Drive, East Lansing, Michigan 48823, county of Clinton, succeeding Donald E. Jakeway, who has resigned, representing persons with knowledge, skill, and experience in the academic, business, or financial field, for a term commencing October 14, 2005 and expiring at the pleasure of the Governor.

Mr. Richard E. Rassel, Jr., of 1595 Fairfax Road, Birmingham, Michigan 48009, county of Oakland, succeeding Gregory C. Burkart, who has resigned, representing the private sector, for a term commencing October 14, 2005 and expiring December 31, 2005.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 298

Senate Bill No. 359

Senate Bill No. 521

Senate Bill No. 533

Senate Bill No. 74

Senate Bill No. 134

The motion prevailed.

Senate Bill No. 438, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

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.

Senate Bill No. 719, entitled

A bill to amend 1972 PA 299, entitled "An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities," by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

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

Senate Bill No. 356, entitled

A bill 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," by amending section 4108 (MCL 324.4108).

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 474**Yeas—37**

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

Nays—1

Brater

Excused—0**Not Voting—0**

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.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 419, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending the title and section 6 (MCL 460.6), the title as amended by 2000 PA 141 and section 6 as amended by 1993 PA 355.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 475**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer

Basham
 Bernero
 Birkholz
 Bishop
 Brown
 Cassis
 Cherry
 Clark-Coleman

Emerson
 Garcia
 George
 Gilbert
 Goschka
 Hammerstrom
 Hardiman

Johnson
 Kuipers
 Leland
 McManus
 Olshove
 Patterson
 Prusi

Scott
 Sikkema
 Stamas
 Switalski
 Thomas
 Toy
 Van Woerkom

Nays—1

Brater

Excused—0

Not Voting—0

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.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 664
Senate Bill No. 665
Senate Bill No. 666
Senate Bill No. 667
House Bill No. 4737
Senate Bill No. 663
Senate Bill No. 506
Senate Bill No. 722
Senate Bill No. 723
Senate Bill No. 724

The motion prevailed.

The following bill was read a third time:

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.

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. 476

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

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. 477

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

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. 478

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

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. 479

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 480

Yeas—37

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

Nays—1

Toy

Excused—0

Not Voting—0

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 permit the imposition, revival, and continued collection by cities of a population of 750,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 481

Yeas—22

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

Nays—15

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

Excused—0

Not Voting—1

Cassis

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 482

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

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. 483

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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.

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. 484

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 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 125.

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. 485

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 662, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2005 PA 91.

Substitute (S-2).

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

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

House Bill No. 5048, entitled

A bill to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

Substitute (S-2).

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

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

House Bill No. 5109, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending the title and section 2 (MCL 12.252), and by adding sections 7 and 8; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

House Bill No. 5047, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4, 5, 6, 7, and 13 (MCL 125.2004, 125.2005, 125.2006, 125.2007, and 125.2013), sections 4, 5, 6, and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

Substitute (S-3).

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. 5215, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37e (MCL 208.37e), as added by 2003 PA 297.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5216, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 270 (MCL 206.270), as added by 2003 PA 295.

Substitute (S-2).

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

Resolutions

Senator Hammerstrom 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. 76

The resolution consent calendar was adopted.

Senators George, Garcia, Brater and Bishop offered the following resolution:

Senate Resolution No. 76.

A resolution commemorating October 21, 2005, as Biomedical Research Day.

Whereas, Biomedical researchers in Michigan and throughout the United States are recognized as world leaders in discovering new information and developing innovative ideas that promote good health and better treatment of disease; and

Whereas, Biomedical research has played a vital role in helping increase the lifespan of the American people through the development of vaccines, antibiotics, and anti-inflammatory drugs; and

Whereas, Biomedical research has contributed tremendously to the virtual elimination of epidemic diseases like cholera and smallpox and has helped prevent many childhood killers such as polio, diphtheria, and Sudden Infant Death Syndrome; and

Whereas, Biomedical researchers continue to work diligently toward cures for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Alzheimer's disease, cancer, arthritis, heart and lung diseases, epilepsy, multiple sclerosis, mental illness, and countless other diseases that afflict millions of people across Michigan and throughout the country; and

Whereas, Biomedical research has contributed to the health and well-being of animals through development of special vaccines and treatment and has helped prospects for endangered species by reducing disease and promoting reproduction; and

Whereas, Investment in biomedical research has spawned the biotechnology industry, creating many jobs and contributing to the health of the Michigan economy; and

Whereas, Biomedical research continues to receive consistent financial commitment at the state and federal levels, and it is the best hope for new breakthroughs in detecting and treating diseases in the future to help people live healthier, longer lives; now, therefore, be it

Resolved by the Senate, That we join the Michigan Society for Medical Research in commemorating October 21, 2005, as Biomedical Research Day; and be it further

Resolved, That we encourage all the citizens of Michigan to take a moment to celebrate the achievements of biomedical research and pay tribute to these researchers who offer hope to the millions of Americans suffering from illness and disease; and be it further

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

Senators Birkholz, Cropsey, Goschka, Jacobs, Prusi, Schauer, Switalski, Thomas and Toy were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Scott and Clarke introduced

Senate Bill No. 810, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759 (MCL 168.759), as amended by 1995 PA 261.

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

Senators Cherry, Garcia, Brown, Prusi and Hardiman introduced

Senate Bill No. 811, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

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

Senators McManus, Garcia, Birkholz and Kuipers introduced

Senate Bill No. 812, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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

Senators McManus, Garcia, Birkholz and Kuipers introduced

Senate Bill No. 813, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 10b (MCL 400.10b), as added by 1996 PA 190.

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

Senators Patterson, Basham, Jelinek, Jacobs and Brater introduced

Senate Bill No. 814, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 907 (MCL 257.320a and 257.907), section 320a as amended by 2004 PA 495 and section 907 as amended by 2005 PA 1, and by adding section 602b.

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

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5023, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5054, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12, 13, and 20a of chapter VIII, sections 10, 11, and 12 of chapter IX, and section 3 of chapter XI (MCL 768.12, 768.13, 768.20a, 769.10, 769.11, 769.12, and 771.3), section 20a of chapter VIII as amended by 1983 PA 42, sections 10, 11, and 12 of chapter IX as amended by 1998 PA 317, and section 3 of chapter XI as amended by 2004 PA 330; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11 to chapter IX.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

Senators Leland, Patterson, Scott, Garcia, Cherry, Bishop and Jelinek asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Leland's statement is as follows:

I rise to express my outrage at reports last week in the *Detroit Free Press* regarding Detroit Mayor Kwame Kilpatrick's spending practices with city petty cash funds. For those of you who did not see the story, let me summarize the major issues. In his first three years in office, the Mayor has spent over \$144,000 of city funds from petty cash. That's roughly \$50,000 per year or close to \$1,000 per week. This, mind you, is from a city treasury with a \$300 million deficit.

It is not just the total spending that is outrageous, but rather the personal nature of the spending that sends my blood boiling—\$43,000 was spent on lunches alone. The Mayor purchased football tickets, Rolling Stones concert tickets, health club memberships, and my favorite, a tuxedo rental for a cousin. These are not simply cases of bad judgment. The *Free Press* reports that most of the purchases violate city rules on spending and competitive bidding. Simply put, the Mayor was violating the law for personal gain.

I can't begin to explain how difficult the Mayor's abuses make my job as a legislator from Detroit. Imagine what it's like to go to the Governor or the Appropriations chair and ask for help for my city when they read about the Mayor squandering scarce funds on a luxury suite at Ford Field.

Now, it may be easy for those of you not from Detroit to shrug this off and say that it is not your problem. I beg to differ. When public officials abuse the public trust, it affects us all. It undermines the trust necessary for democracy and government to work. When these kinds of abuses go unnoticed or unpunished, we all suffer. Is it any wonder that people cry out that politicians are all a bunch of crooks?

Now, the Mayor has tried to come up with all sorts of excuses, saying that these reports are being cooked up by the biased media. But as the former Governor of Texas Ann Richards used to say, "You can dress a hog up, put lipstick on her, and call her Monique, but she is still just a pig." Well, in three weeks, the people of Detroit have an opportunity to rid the city of our piggish Mayor, and if the public polls are any indication, we may just do it. For me, the change can't happen soon enough. It's long past time that Detroit put an adult in charge.

Senator Patterson's statement is as follows:

First of all, I'd like to go on the record as applauding the UAW leadership for what I believe, through my readings, will be a monumental agreement—sea of change—in helping one of the stalwart manufacturers of automobiles in this country. And I'd also like to go on record, again, this will be somewhat notable I suppose. The *Detroit Free Press* brought forth quotations attributed to Ralph Nader which disparaged the reputation of someone who has been a stalwart Congressman—John Dingell. I think it's an outrageous suggestion when Mr. Nader said, "John Dingell was the great destroyer of efforts to advance auto safety, clean air, save lives and reduce disease. He was the main opposition and the most devastating force against lifesaving and health-advancing regulations. Mr. Dingell's efforts ended up producing more deaths and more injuries and more respiratory ailments." I think those are totally irresponsible remarks by Mr. Nader, and I want to go on record as so stating.

Senator Scott's statement is as follows:

I want to read you one of my e-mails. "Hello Senator Scott. Just wanted to tell you how much I appreciate your stick-to-it attitude about insurance rates in the state; specifically, the home and automobile insurance rates that are unbelievably expensive to minorities and the poor. I, too, have had the experience of comparing rates to coworkers where they pay one-fourth to one-third of what I pay for home and auto insurance. I had a rate renewal last year—\$5,000 for two older cars with minimal coverage. Going all the way to no-fault brought me down to the cost of \$3,500. I subsequently switched companies, but every other year, I have to spend a lot of time trying to defeat rate hikes for no reason. This is my income that I could do other things with, such as improve my home, get out of debt, save for the future, invest in a college fund for my grandchild. We consistently pay more for everything and therefore are less financially secure than other groups. I cannot stay at the same rate because the money goes to mandated pieces of paper the government says we must have. But for a variety of reasons, there is a bias built into the cost and to further insult me by the process, I dare not have a claim of any sort—no accidents, no tickets, nothing or I will pay even more.

In my opinion, the discrepancies insurance costs impact my income from \$300 to \$500 per month. That's \$3,000 to \$6,000 a year that I could use for other purposes. Please continue to stand and speak. If your fellow legislators are tired of hearing, tell them to change the situation. If they are tired of just hearing about it, imagine how tired we are of paying it. It's an insult to my intelligence for someone to say it is fair and cannot be changed. Look at the legislation for proof of insurance. It accidentally, inadvertently affected people other than minorities. Surprise at what an uproar there was. I remember it being addressed in the press several times and a call for it to be recalled—taken back. Change was sent out. The Legislature reacted because they cared about their constituents paying \$250 in tickets. I may be wrong about the dollar amount; however, my point is they did not just impact poor people; the intended target who could not afford it. But, gee, they got people from the suburbs and people that could afford to pay but felt they shouldn't have to and the politicians listened and I believe they changed it.

I also would like to know the link to the insurance-related website mentioned in the *Detroit Free Press* article you published on 10/17/2005. Why didn't they include the link? In this computer-friendly age, hardly anyone mentions a website in the text of an article without giving the readers the actual website link. Anyway, thanks for speaking for those adversely affected by unrealistic insurance rates."

And I just want to say to my colleague, Senator Bishop, you're wrong. It is not all the thefts in the city of Detroit and urban areas. You're wrong, Senator.

Senator Garcia's statement is as follows:

I rise to make a statement about the jobs plan that is before the chamber because I fear that I may not have the opportunity to do so tomorrow because other responsibilities will take me out of town. The point is there is a great deal of debate and concern and consternation about whether this is the best way to go in terms of improving Michigan's economy. Should we securitize these tobacco dollars? Should we bond for the money to do this? Should we even be involved with this process? Well, the jobs program that was proposed by the Governor, and I think that was improved on by the members of this body and the House as well, goes a long way to doing something. I think it is more than just doing something. It's doing something very positive.

As we've heard earlier today, we have problems throughout our state with plants closing, jobs being lost to other states and other countries, we see bankruptcies being filed, and we see people, real people, going out of work and trying to figure out how they are going to pay for their mortgages. We have young people who are going into college who are studying in college and leaving college wondering what they are going to do for a job once they leave college. Should they stay in the state? Should they go to another state? What are they going to do to provide for their futures for their families?

Well, as I take a look at this big picture, and I take a look at the proposal that we have before us, is it the best plan? Well, I don't know. Is there a better way to do this to stimulate the economy? Some would say yes. We can cut taxes. Well, I have taken a look at that and I believe we ought to cut taxes and I believe we ought to cut taxes now. But is that the way that's going to fix this economy? I don't think that just cutting taxes alone can do that. We need to cut

spending, and we need to do this plan because this plan will invest in our future. It will help us to diversify our economy. We can no longer depend on the automotive industry to continue to carry the load like they have in the past. The world is changing and we have to change with it.

So, I, for one, am going to support this package. Is it perfect? No. Is there a better way to do things? Well, so far I haven't seen anyone come up with a better plan. So I will support it.

You know, people sent me here to do something about this economy, to represent them, and I am here to work. I've spent the summer working on this plan dealing with the administration, dealing with the House, dealing with members of my own caucus, dealing with members of this body, trying to craft a plan that will do something positive for Michigan. And I believe we have something here.

Now we can have honest differences of opinion, and I respect tremendously those who oppose this plan because I have worked with them on other things and I know that they have the best interest of this state at heart. But the truth is we can't stand still. We can't just sit here and do nothing. There are people who are going out of work every day. There are people who don't have jobs. Today we have to figure out a way to diversify this economy, and so I, for one, am not going to come here to Lansing and do nothing. I will do something that I think is positive, that I think will help us diversify the economy, that I think will help stimulate the economy and I think will move Michigan forward. I don't really care who takes credit for this plan because I know the amount of work that has gone into it. And I, for one, at the end of the day, will say I at least did try to do something positive for this state and for the people of this state. That's why I am going to urge members of this body to vote for this package of bills because I think it moves the state forward.

Senator Cherry's statement is as follows:

I'd like to just offer another perspective to some of the comments I've heard on the floor this morning, or this afternoon now, specifically related to the Delphi announcement of bankruptcy and the Governor's response to that. I happen to thank the Governor for making comments and expressing the anger that the people who live in Genesee County and Saginaw County and others and, I think, people throughout this state feel about how the bankruptcy was announced and the sweetheart deals that were given to executives. I believe it was helpful for her to actually do that, and she did meet with Delphi shortly after and she did offer all help and any help. She said she would do whatever she can to make sure that Delphi stays in the state and keeps plants open. I thank her for that also.

I believe that her comments had an impact because I read yesterday that the top executives are now taking pay cuts because of the outrage that citizens across the state felt about the deals that were offered as other people are worried about their pensions, worried about their health care, and worried about their livelihood in this state.

So I thank the Governor for her leadership on this issue, and I am also glad to see that this Senate is doing what it should be doing today and making sure that we're creating a package that helps the economic situation in this state overall. I'm thankful that we're working on this securitization plan, and I'm going to support it wholeheartedly because I think it will help this state.

Senator Bishop's statement is as follows:

Mr. President, I have a great deal of respect for this body and for the rules of this body. I come here on a daily basis very proud to be a part of this system, very proud to be a part of the daily discussion on issues of the day. Oftentimes, however, I am taken aback by some of the things that happen on this floor. I am mindful of the people watching from the Gallery, people watching on closed-circuit TV, and maybe even across the state at what we are doing on a daily basis. I think about that, and when members stand up and blatantly violate the rules of the body—in this case, personally calling me out and using my name as part of their speech on a subject that really has not anything to do with me at all. I am just a prop in this ongoing rhetoric that goes on on this floor. I am very upset about it and I object not just for me, but just for the integrity of the system. I would hope that some time in the near future that the previous speaker who used my name on this floor would stand up and apologize to me and to the body for her abuse of the rules of the Senate.

On the merits of the comments on the subject of insurance reform, I could get up every day and respond to the comments from the speaker before me regarding insurance and the need for reform. I don't think there is anybody here—anybody in the Gallery, in the lobby outside, in the Capitol, anywhere in the state—who doesn't believe that we need to do something to address the issue of insurance reform. In fact, that's exactly why we put together a workgroup to study, in a meaningful way, ways to address the issues of insurance in the state and the skyrocketing cost of insurance. We simply cannot every day stand up and rely solely on rhetoric that is to suggest that somehow certain parts of the state are being abused at their sole expense to benefit the rest of the state. In fact, the previous speaker used my name and I'm not going to use hers. She doesn't understand that her solution to the problem would, in fact, cause rates to go up even higher in the state of Michigan. What she has proposed to do is to subsidize her district's rates with outstate ratepayers, thereby raising rates across the state for the majority of the consumers in the state of Michigan. I'm not just alone in saying that. If she would come to the committee hearings on this subject and listen to people who know this subject, they would tell you that this is, in fact, the case. That's what will happen if we were to move forward with a bill that she's recommended. We would actually increase rates across the state.

Now, if that's OK with you, that's alright, but at least be honest about it. I'm looking right now at the *Midland Daily News*. There's an editorial today—interesting they speak on it today—and they agree with me. It's a quote in the middle of the sentence and it says, "Even on the surface, the proposal, which has the backing of Jennifer Granholm, has no merit." The previous Senator talks about fairness, but what's fair about outstate taxpayers paying for inner-city rates? It's not fair to do that, to shift that burden outstate. It's just not fair and if you want to be fair, you can't be subjective in your own world. You have to have an objective approach. That's what our responsibility is in this state.

I'm hoping that as time goes on, we'll have a chance to discuss this further. The workgroup is almost complete. This week will conclude a dialogue with other individuals who are going to testify from Detroit on the subject. We'll close the dialogue and prepare a report. With that report, we'll have recommendations. The recommendations will be meaningful recommendations for legislative activity that will have an impact on the rates of taxpayers of this state—on insurance in this state. I pledge to you that I'm ready, willing, and able to listen to anybody in this chamber who would like to propose a way that we can bring the rates down on all taxpayers in this state, but I refuse to move forward with a plan that only speaks to a small portion of our state.

Senator Jelinek's statement is as follows:

As anyone who lives near the Michigan border knows, the southern Michigan counties are not worried about competing with India for jobs. They are competing with Indiana. Indiana's unemployment rate is 5.4 percent, compared to Michigan's 6.7 percent, a double-digit difference.

During August, Michigan was second to last in the nation. This is unacceptable. Hundreds of Michigan residents work in Indiana, many in manufacturing. The current situation with Delphi is not a new one to border counties that constantly compete with Indiana for workers. However, due to its high-profile status and size, Delphi brought the issue to light when announcing it was filing for bankruptcy.

To make a bad situation in Michigan worse, a recent article in *The Indianapolis Star* pointed out the huge discrepancies in leadership between Indiana and Michigan. Indiana's Governor is practically rolling out the red carpet for Delphi during the bankruptcy proceedings to help keep Delphi workers employed. This includes many Michigan workers who cross the border each day for work.

What is our Governor doing? Playing politics. When the announcement was first made, her initial response was to blame the company and the federal government, when her first actions should have been meeting with Delphi officials. The article correctly notes that while other states around the nation are approaching tough issues from a policy perspective, Michigan's administration is only interested in the political perspective. This is no way to run a state, especially one in as serious a condition as ours.

As I said, losing Michigan workers and companies to Indiana is not a new thing. I see local companies in my district every day that are fighting to retain workers. Jobs and company benefits are more enticing in Indiana due to lower taxes, higher wages and benefits. The workers, who must provide for their families, are going where the jobs are, and right now that is not in Michigan.

So far our administration's ideas to improve our economy include a massive tax shift and an insurance proposal that would mean businesses cutting profits. Now, I'm not an economist, but common sense says this is not business-friendly. My colleagues and I are working on a variety of legislation that I am hopeful the Governor will sign so we can provide our Michigan residents with Michigan jobs right here in Michigan.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 308, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 6 (MCL 722.676), as amended by 2003 PA 192.

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

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Schauer

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4133, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1831 (MCL 600.1831), as amended by 1984 PA 29.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 11, 2005, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn and Schauer

Excused: Senators Patterson, Bernero and Brater

The Committee on Government Operations reported

House Bill No. 5047, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4, 5, 6, 7, and 13 (MCL 125.2004, 125.2005, 125.2006, 125.2007, and 125.2013), sections 4, 5, 6, and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

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

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Emerson, Jacobs and Thomas

Nays: Senator Cassis

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

The Committee on Government Operations reported

House Bill No. 5048, entitled

A bill to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

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

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Emerson, Jacobs and Thomas

Nays: Senator Cassis

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

The Committee on Government Operations reported

House Bill No. 5109, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending the title and section 2 (MCL 12.252), and by adding sections 7 and 8; and to repeal acts and parts of acts.

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

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Emerson, Jacobs and Thomas

Nays: Senator Cassis

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

The Committee on Government Operations reported

House Bill No. 5215, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37e (MCL 208.37e), as added by 2003 PA 297.

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

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

Kenneth R. Sikkema

Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Emerson, Jacobs and Thomas

Nays: Senator Cassis

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

The Committee on Government Operations reported

House Bill No. 5216, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 270 (MCL 206.270), as added by 2003 PA 295.

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

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

Kenneth R. Sikkema

Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Emerson and Thomas

Nays: Senator Cassis

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, October 11, 2005, at 3:21 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 799, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

With the recommendation that the bill pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 800, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d.

With the recommendation that the bill pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, October 11, 2005, at 3:15 p.m., Room 405, Capitol Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Banking and Financial Institutions reported

House Bill No. 4997, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by repealing section 514 (MCL 487.3514).

With the recommendation that the bill pass.

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

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 4998, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by repealing section 1135 (MCL 491.1135).

With the recommendation that the bill pass.

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

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 4999, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," by repealing section 307 (MCL 490.307).

With the recommendation that the bill pass.

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

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5000, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by repealing section 4406 (MCL 487.14406).

With the recommendation that the bill pass.

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

Michael D. Bishop

Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, October 12, 2005, at 12:00 noon, Room 210, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Health Policy reported

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators George, Bernero and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, October 12, 2005, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators George, Bernero and Jacobs

Excused: Senators Hammerstrom (C) and Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submitted the following:

Meeting held on Wednesday, October 12, 2005, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Allen (C), Bishop, Birkholz, Olshove and Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, October 12, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, October 13, 2005, at 1:00 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, October 19, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture, Joint Senate/House - Tuesday, October 25, 9:00 a.m., Room 426, Capitol Building (373-5932)

Capital Outlay - Thursday, October 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Higher Education - Wednesday, November 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Banking and Financial Institutions - Thursday, October 20, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, October 19, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, October 20, 2:00 p.m., Room 210, Farnum Building (373-6920)

Legislative Retirement Board of Trustees -**Subcommittee -**

Investment - Thursday, October 20, 2:30 p.m., Room 929, South Tower, House Office Building (373-0575)

Local, Urban and State Affairs - Thursday, October 20, 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)

Senior Citizens and Veterans Affairs - Wednesday, October 19, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, October 19, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 1:14 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, October 19, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate