

No. 10
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, February 10, 2005.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

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

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—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 Jeff Hossler of Orchards Community Church of Bruce Township offered the following invocation:

Our dear heavenly Father, we thank You so much for today. We thank You for the very air that we breathe. We thank You for all of Your good gifts to us. Lord, we thank You for this country that we live in and where we have the freedoms that we enjoy. And, Lord, I thank You today for our leaders, for those who serve us unselfishly, who give of their time and their efforts, to serve us as a country and as a state. So, Lord, this morning we come to You and we ask that You would grant them wisdom.

We pray for our Governor and for our Representatives and for our Senators and ask that as they make decisions and as they deliberate and talk, that You would guide them, that You would give them wisdom and, Lord, that You would help them make decisions that benefit this state and this nation.

Lord, You have been so good to us. So, Lord, I ask that as we go through our lives, whether it's here in the Capitol or wherever we live, that we would honor You and glorify You by everything that we do and everything that we say. For it's in Your name we pray. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

January 18, 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 Office Regulatory Reform, Legal Division filed at 4:14 p.m. this date, administrative rule (05-01-06) for the Department of Community Health, Health Legislation and Policy Development entitled "*Lead Hazard Remediation*," effective 15 days after filing with the Secretary of State.

February 2, 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 Office of Regulatory Reform, Legal Division filed at 2:57 p.m. this date, administrative rule (05-02-01) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services entitled "*Credit Unions*," effective 7 days after filing with the Secretary of State.

February 2, 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 Office Regulatory Reform, Legal Division filed at 3:00 p.m. this date, administrative rule (05-02-02) for the Department of Labor and Economic Growth, Worker's Compensation Health Care Services entitled "*Worker's Compensation Health Care Services Rules*," effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

February 9, 2005

Enclosed is a copy of the following audit report:
Performance audit of Waterways, Wetland, and Soil Erosion and Sedimentation Permits, Michigan Department of Transportation.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Wednesday, February 9, and are available at the legislative Web site:

House Bill Nos.	4212	4213	4214	4215	4216	4217	4218	4219	4220	4221	4222	4223	4224	4225
	4226	4227	4228	4229	4230	4231	4232	4233	4234	4235	4236	4237	4238	4239
	4240	4241												

Senator Johnson entered the Senate Chamber.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 77, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

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. 6

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: Birkholz

The Senate agreed to the title of the bill.

General Orders

Senator Birkholz 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 pro tempore, Senator Birkholz, designated Senator Garcia as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 102, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d.

Senate Bill No. 170, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g, 16m, and 16s of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, 777.16m, and 777.16s), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, and section 16s of chapter XVII as amended by 2004 PA 519.

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

Introduction and Referral of Bills

Senators McManus, Kuipers, Birkholz, George, Leland, Hammerstrom, Garcia, Allen and Goschka introduced

Senate Bill No. 183, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Senators Basham and Goschka introduced

Senate Bill No. 184, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788.

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

Senators Basham, Clark-Coleman, Prusi, Schauer, Cherry and Goschka introduced

Senate Bill No. 185, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2002 PA 192.

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

Senators Jelinek, Cropsey, Kuipers, Bishop, Jacobs, Schauer, George, Toy, Van Woerkom, Birkholz, Allen, Brater and Scott introduced

Senate Bill No. 186, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and sections 17201, 17202, and 17203 (MCL 324.17201, 324.17202, and 324.17203), as added by 2002 PA 578, and by adding section 17206.

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

Senators Jelinek, Cropsey, Kuipers, Bishop, Jacobs, Schauer, George, Toy, Van Woerkom, Birkholz, Allen, Brater and Scott introduced

Senate Bill No. 187, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17207.

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

Senators Patterson, Cropsey, Gilbert, McManus, Bishop, Kuipers, Stamas, Allen, Birkholz, Goschka and Garcia introduced

Senate Bill No. 188, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Birkholz, Schauer and Hammerstrom introduced

Senate Bill No. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Birkholz, Goschka and Hammerstrom introduced

Senate Bill No. 190, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 7 (MCL 800.327), as amended by 1996 PA 537.

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

Senators Birkholz, Goschka, Hammerstrom, Garcia and Hardiman introduced

Senate Bill No. 191, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

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

Senators Gilbert, Cropsey, Jelinek, Van Woerkom and Goschka introduced

Senate Bill No. 192, 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 bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

Senator George introduced

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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

Senators Garcia, Bishop, Toy, Goschka, Basham, Allen and Sanborn introduced

Senate Bill No. 194, entitled

A bill to amend 2004 PA 402, entitled "Armed forces commemoration act," by amending section 2 (MCL 435.342).

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

Senators Garcia and Basham introduced

Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Since we began this 93rd legislative session about a month ago, I have been absorbed in the day-to-day commitments both here in Lansing and at home throughout my district. I know, too, that all of you are experiencing the same hectic schedules with not enough hours in the day. We are faced with the challenging task of meeting all of our obligations as our constituents have entrusted us to represent them here in Lansing on critical issues that impact their lives and their families, on a daily basis.

It goes without saying that the one cause that has been at the forefront of my agenda is insurance reform and addressing the discrepancy in automobile and homeowners insurance across the state. It is critical that we include this issue at the top of our legislative agenda and accept the challenge of seeking satisfactory solutions that will help to bring down the rates, particularly in our urban areas.

I don't know if some of you may have seen the TV this morning or read it in the newspaper that the mayor of Detroit's sister had used an address in one city and lived in Detroit. It's what I have been telling you all along, that you are making people tell lies because they can get insurance in one city cheaper than in another city. It's not fair to the people of Detroit. If you saw that, you would see that I have not been inflating any of this. It was like \$1,500 in Ypsilanti and about \$3,000 in Detroit. I don't remember the exact amount, but I know it was like half.

So it is time for us to stand up and do our job. And it is up to us elected officials here in this body to start it. As I said the other day, it's time to stop talking about this and let's do it. I know the chair of the committee said that he will pull together a task force or a committee or something of some sorts. That was a week ago today. I hope that soon is what all of us want so that people don't have to break the laws. We are making them break the law because there is such a disparity.

Now I think it is time for us to stop saying that Senator Scott keeps talking about this insurance. Well, let me tell you, it's time for us really to stop talking and do something about it. And it is up to us. It's not fair to the citizens. So I hope, Madam President, that all of us will take this very seriously because it is a serious matter.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, Bernero and Jacobs

Nays: Senator George

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 9, 2005, at 1:03 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, February 9, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Leland and Bernero

Excused: Senator Olshove

Scheduled Meetings

Commerce and Labor - Tuesday, February 15, 3:00 p.m., Room 100, Farnum Building (373-2413)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:27 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, February 15, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

