

**No. 52**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Wednesday, May 26, 2004.

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—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—present  
McManus—present

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

Senator Alan L. Cropsey of the 33rd District offered the following invocation:

Dear Lord, we come before You this morning. We're thankful that we can come and address the Ruler of the universe. Lord, we just ask for Your blessing upon our deliberations today. We pray for our young men and women who are overseas, who are in harm's way, especially for those who are in Iraq and Afghanistan. We ask, Lord, that You protect them today, Lord, that You would draw them close to Yourself.

Just bless our deliberations. May we always remember that someday we will give an account to the great Supreme Ruler of this universe, Lord, that our actions and that our deeds that are done would not be only called into question by our constituents, but before You.

Lord, I just pray that You would give us mercy and grace today. We ask this in the name of our Lord and Savior. Amen.

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

### Motions and Communications

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, May 25:  
**House Bill No. 5660**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 20, for her approval the following bills:

**Enrolled Senate Bill No. 863 at 3:32 p.m.**  
**Enrolled Senate Bill No. 865 at 3:34 p.m.**  
**Enrolled Senate Bill No. 867 at 3:36 p.m.**  
**Enrolled Senate Bill No. 872 at 3:38 p.m.**  
**Enrolled Senate Bill No. 875 at 3:40 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 25, for her approval the following bills:

**Enrolled Senate Bill No. 979 at 3:26 p.m.**  
**Enrolled Senate Bill No. 982 at 3:28 p.m.**  
**Enrolled Senate Bill No. 985 at 3:30 p.m.**  
**Enrolled Senate Bill No. 647 at 3:32 p.m.**  
**Enrolled Senate Bill No. 991 at 3:34 p.m.**  
**Enrolled Senate Bill No. 221 at 3:36 p.m.**

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

Senator Hammerstrom moved that Senators Goschka and Brown be temporarily excused from today's session.  
The motion prevailed.

Senator Bernero entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Clark-Coleman admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:27 a.m.

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

During the recess, Senator Clark-Coleman introduced the Four Tops: Abdul “Duke” Fakir; Yone Payton, wife of the late Lawrence Payton; Renaldo “Obie” Benson; and Levi Stubbs; and presented Senate Resolution No. 265, designating May 26, 2004, as Four Tops Day.

Members of the Four Tops responded briefly.

During the recess, Senators Brown, Goschka, Brater and Clarke entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Messages from the House**

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

**Senate Bill No. 267**

**Senate Bill No. 943**

The motion prevailed.

**Senate Bill No. 912, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

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. 913, entitled**

A bill 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 5 (MCL 28.295), as amended by 1984 PA 335.

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. 977, 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 3115 (MCL 324.3115), as amended by 2004 PA 91.

Substitute (H-4).

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. 324**

**Yeas—36**

Allen  
Barcia  
Basham

Cherry  
Clarke  
Cropsey

Hardiman  
Jacobs  
Jelinek

Prusi  
Sanborn  
Schauer

Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—0**

**Not Voting—2**

Clark-Coleman                      Scott

In The Chair: President

Senator Schauer moved that Senator Clark-Coleman be temporarily excused from the balance of today's session. The motion prevailed.

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:

**House Bill No. 5671**

**House Bill No. 4344**

**House Bill No. 5491**

**House Bill No. 5381**

**House Bill No. 5589**

**House Bill No. 5586**

The motion prevailed.

Senator Clark-Coleman entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5671, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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. 325**

**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 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 for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4344, entitled**

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 1 (MCL 125.1651), as amended by 2004 PA 66.

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. 326**

**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 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 of the bill.

The following bill was read a third time:

**House Bill No. 5491, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 1080.

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. 327**

**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 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 consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5381, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 28.

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. 328**

**Yeas—36**

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

**Nays—2**

Brown	Patterson
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**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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5589, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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. 329**

**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 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 require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5586, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3101 and 51107 (MCL 324.3101 and 324.51107), section 3101 as amended by 2004 PA 90 and section 51107 as added by 1995 PA 57, and by adding section 3111b.

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. 330**

**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 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 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.”

The Senate agreed to the full title.

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 pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 908, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7405 (MCL 333.7405), as amended by 1997 PA 153.

**Senate Bill No. 1191, entitled**

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 49 (MCL 338.2249), as amended by 2003 PA 87.

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

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

**House Bill No. 4127, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2110b.

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

1. Amend page 1, line 11, after “**insurer**,” by striking out “**the existence of**” and inserting “**whether the insurer has**”.

2. Amend page 1, line 11, after “**agreement**” by inserting “**with any repair or replacement facility to provide a repair or replacement service or product to an insured**”.

3. Amend page 2, line 2, after “**use**” by striking out “**that**” and inserting “**a**”.

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

**Resolutions**

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

**Senate Resolution No. 241**  
**Senate Concurrent Resolution No. 40**  
**Senate Resolution No. 248**  
 The motion prevailed.

Senators Van Woerkom, Toy, Goschka, George, Birkholz, Kuipers, Brown, Allen, Garcia and McManus offered the following resolution:

**Senate Resolution No. 266.**

A resolution to express support for the Governor's request for federal disaster assistance to deal with Michigan's emerald ash borer infestation.

Whereas, Michigan has worked hard to contain the emerald ash borer, which has ravaged trees in the most populous area of our state and threatens to alter significantly our state's landscape. In spite of vigorous actions, a quarantine of the six-county southeastern region of the state, and the efforts of a multi-agency task force, this insect is killing ash trees at an alarming rate; and

Whereas, Already, 6 million trees in the southeastern counties have been devastated by the emerald ash borer. Most of them are still standing, which presents a potential for serious problems as a result of fire and the damage to structures and wires. As concerns grow that the infestation is spreading, Michigan is even more vulnerable. Existing funds for the fight are very inadequate for the task at hand; and

Whereas, In making the formal request for federal disaster assistance, the Governor cited the need for immediate help with the costs of removing debris and dead trees and the clear need for hazard mitigation funds to address the safety and public health concerns. With response and mitigation expenditures expected to top \$150 million, the burden is far beyond what the state or local governments can absorb. In the meantime, the threat presented by the extreme fire hazard of millions of dead and dying trees only will grow more severe; now, therefore, be it

Resolved by the Senate, That we express support for the Governor's request for federal disaster assistance to deal with Michigan's emerald ash borer infestation; and be it further

Resolved, That copies of this resolution be transmitted to the Region 5 Office of the Federal Emergency Management Agency and the Office of the President of the United States.

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

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Brater, Cassis, Jelinek, Olshove, Schauer, Switalski and Thomas were named co-sponsors of the resolution.

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

Senator Switalski introduced

**Senate Bill No. 1264, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as amended by 2003 PA 170.

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

Senators Toy, Kuipers, Gilbert, McManus, Birkholz, Garcia and Allen introduced

**Senate Bill No. 1265, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Senators Bishop, Kuipers, Cassis and Birkholz introduced

**Senate Bill No. 1266, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Gilbert, Patterson, Birkholz, Garcia, Goschka, Cropsey, McManus and Van Woerkom introduced **Senate Bill No. 1267, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 317 (MCL 484.1317) and by adding section 317a.

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

**House Bill No. 5660, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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 Natural Resources and Environmental Affairs.

### Statements

Senators George, Scott, Van Woerkom and Bernero asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator George's statement is as follows:

Madam President, I rise to make you and my other colleagues aware of an important anniversary that is coming up. I wanted to do this today in light of our Memorial Day program tomorrow because it is related to that.

Sunday, May 30th, will be the 100th anniversary of the dedication of the Michigan monument at Andersonville Prison. Andersonville Prison was a notorious prison camp run by the Confederacy during the Civil War, and it housed over 40,000 Union soldiers. I visited Andersonville a few years ago, and I would encourage any of you to do that if you ever have an opportunity. It really was just an open air prison, a field surrounded by a stockade. The men were basically treated like cattle. They were herded in the stockade and left there for months on end; thousands of them with little food. The only fresh water was a little creek that ran through the prison, and it was the fresh water that was also their latrine. As you can imagine, the conditions were very unsanitary, and they were all inflicted with serious disease and thousands died. In fact, there are over 13,000 Union soldiers buried in a mass grave in Andersonville. We know that over 800 of them were Michigan soldiers.

One of those soldiers was Aaron T. Bliss. He was originally from New York and was captured during the war. While in the prison, he met and befriended soldiers from Michigan and learned about Michigan. He was one of the fortunate ones who survived. He was transferred to a second prison camp, and he later escaped. He was near starvation, but he did survive. He returned to New York but later decided to travel to Michigan. He liked it and settled in Saginaw, where he became a wealthy lumberman eventually. He entered politics and was elected Governor and served as our Governor from 1900-1904. Aaron T. Bliss, our Governor, was a veteran and survivor of Andersonville Prison.

In 1904, 100 years ago, Governor Bliss led a legislative delegation back to Andersonville Prison where he had been confined to place the Michigan monument at the prison grounds. The monument is a striking marble structure. It is 10 feet tall, it has the figure of a weeping angel, and on the base it is inscribed. It says: "Erected by the state of Michigan to her soldiers and sailors who were imprisoned on these grounds."

Madam President, I just wanted to bring this event to your attention, the 100th anniversary of the dedication of the Michigan monument at Andersonville Prison. In fact, it will be rededicated Sunday by a delegation of the sons and daughters of Union veterans from Michigan who are traveling to Georgia to rededicate the monument, and as part of the rededication, they are reattaching a bronze part of the monument which had been displaced. So the monument is going to be returned to its original features. I think this is an important thing that we remember our soldiers who perished in Andersonville as we approach the Memorial Day commemorations.

Senator Scott's statement is as follows:

To illustrate just how serious I am about insurance reform, last week I invited to my office a representative from the insurance industry to discuss this very issue and how we can best work together to address the concerns of many citizens across this state about the rising cost of insurance.

Just yesterday, I spoke to a person at the bank that is dealing with homeownership. She was telling me that a home in some of the suburban areas that she sells that the insurance is three times as high in the community. I'm going to be sitting down with all of these people seeing if we can get some resolve.

I understand that in order to achieve my ultimate goal, we must do this, and I am willing to listen and to learn from those who represent the industry. The meeting reinforced what I already know, and that is, there are no easy or clear-cut solutions. However, the meeting was beneficial in that each and every factor relating to insurance reform was raised and discussed from both sides of the issue.

You can be certain that I will continue to work with my colleagues, as well as representatives from the industry, in order to achieve the ultimate goal—that the citizens of Michigan must get some relief, and they must get it soon for these high escalating insurance premiums.

Senator Van Woerkom's statement is as follows:

On your desk I've provided a new product that is being distributed by McDonald's. It's a product called apple dippers. Apple dippers are special to us in western Michigan because they are created in a plant that Earl Peterson has in one of our agricultural renaissance zones.

Through research, they have been able to discover a substance that keeps apples from browning. You know that if you eat an apple and you take the peel off, that apple turns brown after a certain amount of time. Well, this substance is placed on the apples, and they are able to stay in that condition for quite some time. So we are able to provide apple dippers as a new product. This product has created over 100 jobs in western Michigan, so we are very excited about that as well.

We talked a little bit yesterday about research and the importance of research and how research can provide new jobs. This certainly is an instance where research has paid off and also where agricultural renaissance has paid off, and we are happy to let you have a taste of what apple dippers are all about.

Senator Bernero's statement is as follows:

I want to thank my colleague, the good Senator from the 34th District, for providing this healthy and nutritious snack for us all. I hope we will take time to enjoy a healthy snack. It's not often that we get a healthy snack here on the floor of the Senate. We get a lot of sweets, sort of like they do in the schools and cafeterias throughout the state. You know, I've been visiting a lot of schools, Madam Chair, and I looked high and low for a snack just like this, but you know what I found? I found instead of things with zero fat or zero calories from fat, like this wonderful snack that McDonald's—McDonald's, of all places, McDonald's is going healthy. McDonald's has decided to get onboard the train of good health. They've decided that there is a demand. There is a demand for healthy products, but our schools...

We joke about something like this, but it really is a wonderful thing that McDonald's, a corporate giant, recognizes that there is a demand and a need for healthy foods, particularly for our youngsters. But I have been visiting the schools in my area. I'm not trying to discriminate against the schools in my area because they are all equally guilty. I encourage you to visit the schools in your area and come back and let me know because you won't find nice crisp apple slices. You will not find them; I challenge you. Come back and let me know. You might, maybe if you look, find a mealy apple in the corner somewhere, but chances are very low that you will find a nice crisp apple. Kids respond to this type of thing. If you cut up fruit and you make it easy for them, they'll eat good stuff. They aren't all just craving chips and Cheetos and corn chips and nachos dipped in cheese. That's what you'll find in the cafeterias. You'll find greasy foods: chicken poppers, double-fried pizza pockets, all sorts of fat-laden things and sugary options, candy bars.

That's why I'm so grateful, Madam Chair, that so many of my colleagues co-sponsored Senate Bill No. 1189. I just don't want you to forget it. My colleagues and good friends, I just don't want the bill to languish over in the Education Committee. It's a vital issue, when even the McDonald's corporation recognizes that there is a need to address the obesity epidemic and the sugar diabetes, the health concerns for our children, when even McDonald's is there. I hope that this Legislature, that my colleagues, will step in and do what's right and offer something like this.

Like what Senator Van Woerkom has done for us today, can't we do that for the children of Michigan? Don't they deserve a healthy snack as well? Or are we just going to continue to load the fat and the sugar as we have done? I say we can do better. Our children deserve better. I wish that the schools would do it on their own, Madam Chair. I wish that the schools, without our intervention, would just simply do the right thing. But I know better. They're seduced by the dollars that they can make from the junk food and the kickbacks from the soda pop companies. It's going to take some courage, it's going to take some nudging, and we can provide that by giving Senate Bill No. 1189 a hearing and passage through the Education Committee.

### Committee Reports

The Committee on Commerce and Labor reported

**Senate Bill No. 1203, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8395 (MCL 600.8395).

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

**To Report Out:**

Yeas: Senators Allen, Kuipers, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

**Senate Bill No. 1240, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 7 (MCL 125.1651 and 125.1657), section 1 as amended by 2004 PA 66 and section 7 as amended by 1985 PA 221.

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.

Jason E. Allen  
Chairperson

**To Report Out:**

Yeas: Senators Allen, Kuipers, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, May 25, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, Schauer and Olshove

Excused: Senator McManus

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Tuesday, May 25, 2004, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

**Scheduled Meetings****Agriculture, Forestry and Tourism** - Thursday, May 27, 9:00 a.m., Room 110, Farnum Building (373-1635)**Appropriations** - Thursday, May 27, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)**Subcommittee -****Commerce, Labor and Economic Development** - Thursday, May 27, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2420) (CANCELED)**Banking and Financial Institutions** - Thursday, May 27, 12:00 noon, Room 100, Farnum Building (373-2417)**Education** - Thursday, May 27, 2:00 p.m., Room 210, Farnum Building (373-6920)**Local, Urban and State Affairs** - Thursday, May 27, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:15 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, May 27, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate