

No. 58
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, June 9, 2004.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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—excused
Van Woerkom—present

Bishop Bobbi L. Boone of Redeemed Faith and Deliverance Church of Detroit offered the following invocation:

Our Father and our God, we come now to say thank You for this great day. We pray that You would get into the minds of this committee and that You would lead us, for You are the Prince of Peace, You are the mind regulator, and the heart fixer. We ask that You bless this Senate committee and that You would bless their going and their coming. In Christ's name we pray. Amen.

The Assistant President pro tempore, Senator Sanborn, 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.

10:19 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senators Barcia, Basham, Goschka, Brown, Bernero, Van Woerkom, Stamas, Jelinek, Birkholz, Hardiman, Sikkema, Kuipers, George, Cropsey, Allen, Cassis, Bishop, Garcia and McManus entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that Senator Toy be excused from today's and tomorrow's sessions.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 8:
House Bill Nos. 5544 5551 5823 5824

The Secretary announced that the following official bills were printed on Tuesday, June 8, and are available at the legislative Web site:

Senate Bill Nos. 1287 1288 1289

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785

Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
The motion prevailed.

The following message from the Governor was received and read:

June 8, 2004

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 pursuant to Executive Order No. 2000-4:

Commissioner of the Office of Financial and Insurance Services

Mrs. Linda Ann Davis Watters of 3 Bradford Court, Dearborn, Michigan 48126, county of Wayne, reappointed to a term expiring April 3, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

**LABOR; HEALTH AND SAFETY; DEFINITION OF "WILFUL" MIOSHA
VIOLATION; PROVIDE FOR AND CLARIFY PROCEDURE FOR
INTERVIEW STATEMENTS DURING AN INSPECTION**

June 8, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 647.

The State of Michigan has established the Michigan Occupational Health and Safety Administration (MIOSHA) to help protect Michigan workers and assist employers with tools to create a safe workplace environment. MIOSHA provides for local—not federal—administration of workplace safety and health programs, avoiding disconnected oversight from Washington, requiring public sector employers to operate under the same rules as the private sector, fostering more effective interaction with stakeholders, and enabling programs specifically tailored for Michigan workers and employers.

Unfortunately, Senate Bill 647 would place this program at risk by defining "wilful" [*sic*] violations in a manner inconsistent with federal requirements. In a February 9, 2004 letter from the United States Department of Labor, the Regional Administrator for the Occupational Safety and Health Administration (OSHA) said that "Senate Bill 647 would considerably restrict MIOSHA's ability to issue administrative citations for willful violations of safety and health requirements in appropriate cases, significantly impairing the effectiveness of this aspect of the Michigan State Plan."

According to OSHA, changes under the bill "are likely to discourage employees from exercising their right to bring possible safety hazards to MIOSHA's attention without fear of adverse reaction...appear to impose substantial restrictions on MIOSHA's authority to issue and require compliance with subpoenas, and in general could make it considerably more difficult for MIOSHA to obtain accurate and reliable firsthand information about safety conditions in the workplace."

In addition to these problems, Senate Bill 647 would impose unwarranted restrictions on the ability of MIOSHA and the Department of Labor and Economic Growth to promulgate administrative rules. I do not support this effort to hinder the effective and efficient administration of Michigan's workplace safety laws.

For these reasons, I return Enrolled Senate Bill 647 without signature.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned by the Governor on June 8, 2004, at 11:03 a.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

Messages from the House

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

Senate Bill No. 267

The motion prevailed.

Senator Schauer moved that Senators Emerson and Thomas be temporarily excused from today's session.

The motion prevailed.

Senate Bill No. 241, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1073.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 774, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1074, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 17 (MCL 250.1017).

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.

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 16, following line 8, by inserting:

"Enacting section 1. This act takes effect October 1, 2004."

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title as amended.

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

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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. 363**Yeas—35**

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

Nays—0**Excused—3**

Emerson	Thomas	Toy
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Not Voting—0

In The Chair: Sanborn

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.

Third Reading of Bills

Senators Emerson and Thomas entered the Senate Chamber.

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

Legislative Initiative Petition**Senate Bill No. 1203****Senate Bill No. 1240****Senate Bill No. 831****Senate Bill No. 832****House Bill No. 5730****House Bill No. 5731****House Bill No. 5494****Senate Bill No. 1201****Senate Bill No. 1202****House Bill No. 5681****House Bill No. 5008****House Bill No. 5273****House Bill No. 5502****House Bill No. 5503****House Bill No. 5504**

House Bill No. 5505
Senate Bill No. 1133
Senate Bill No. 1135
 The motion prevailed.

The President pro tempore, Senator Birkholz, assumed the Chair.

The following initiative petition was read a third time:

Legislative Initiative Petition

An initiation of legislation to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

The question being on the adoption of the initiative petition,

The initiative petition was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 364

Yeas—23

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

Nays—12

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

Excused—1

Toy

Not Voting—2

Clarke	Johnson
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In The Chair: Birkholz

Protests

Senators Jacobs, Brater, Scott and Clark-Coleman under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the legislative initiative petition.

Senators Jacobs and Brater moved that the statements they made during the discussion of the petition be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

Well, we’ve debated this issue many times on the floor, but my friends, let’s make no mistake. This is really not a debate about partial birth; it is really trying to ban safe, legal abortions for women in Michigan. There is a lot of discussion about family values, how important it is for there to be family communication. Well, this is an issue that families should decide. Government should not be a part of that decision. We should not take decisions about medical

treatment out of the hands of doctors and women and their families and discussions that they may have with their clergy members. Even the medical community does not support this ban.

So we will now embark on an expensive legal battle, where once again the courts will decide in favor of women. But think of the tens of thousands of dollars—of taxpayers' dollars—that will go to legal fees that could have been used for family planning clinics, which could have been used to help stop unwanted births in the beginning. You know, if members of this Legislature did to businesses what we do to women, they would be recalled.

So I ask my colleagues to please vote “no” on this.

Senator Brater's first statement, in which Senators Scott and Clark-Coleman concurred, is as follows:

I would just like to take exceptions to the use of the terminology “partial-birth abortion.” There is no such thing; it is a made-up term used for rhetorical purposes by those who oppose a woman's right to choose. We have, as been pointed out, come a very long way in protecting a woman's right to choose, protecting the sanctity and privacy of the bedroom in the home from the interference of government, and we cannot afford to go backwards 50 years to the times when women's lives were endangered if they had a pregnancy that needed to be terminated in late term.

Earlier when we debated this bill, we had ample testimony from medical doctors in the field of gynecology and obstetrics from the University of Michigan and other outstanding institutions that the language of this bill and now this citizen initiative would prevent a physician in some cases from treating a woman who was miscarrying and coming into an emergency room. We cannot afford to endanger women's health and women's lives that way.

I would also like to take exception from my esteemed colleague from the 35th District using the phrase “so-called mental health.” The health of the brain is the same as any other organ of the body. It is a physiological function. We should not be discriminating against people based on whether their illness is that of the brain or other parts of the body. There are known effects on women who have had pregnancy-induced mental health conditions, sometimes leading to very tragic circumstances affecting themselves and their other children. This is nothing to be trifled with either.

This bill or this initiative would improperly put government into the doctor's office. The U.S. Supreme Court has made clear that exceptions to an abortion ban cannot be limited to situations where the health risk is an absolute necessity, nor can no law require unanimity of medical opinion as to the need for a particular abortion method. The medical community does not support these bans. The American College of Obstetricians and Gynecologists has said: “The intervention of legislative bodies into medical decision-making is inappropriate, ill-advised, and dangerous.”

This type of legislation flouts the Supreme Court's explicit directive that women's health must be paramount. This bill would ban safe medical procedures and impose an undue burden on women and their physicians. I would just like to just read for a moment from the Governor's veto message, in which she said she vetoed it because federal courts repeatedly have declared unconstitutional efforts to end, and she uses the term “partial birth abortion” here. The U.S. Supreme Court and a series of other appellate courts have specifically ruled that a ban on this abortion must include an exception for the life and health of the mother.

Colleagues, I know that there's no way to convince—this is an issue that deeply divides this Legislature—members of this Legislature and our constituents, and I know that there is no way to persuade one another on this debate. But I do think we should look to the experience in other states where courts have overruled this attempt to override the U.S. Supreme Court protections of the right to choose, and I do urge you on those grounds to oppose this petition's adoption today.

Senator Brater's second statement, in which Senators Scott and Clark-Coleman concurred, is as follows:

I just feel the need to get up and respond to a few things that have been said. We have talked about the people having spoken. There is in our Constitution a provision for initiative through petition of legislation. There is also a balance of power in our Constitution, and the courts have spoken on this issue. It is clear that they will speak again. If we want to spend the state's money on forcing the courts to rule on this one more time, we can do that. I am a card-carrying member of the ACLU. I am glad to have the money going to that organization, but I do think we need to keep in mind that there is a balance of power, and there is a good reason for that.

I was particularly concerned to hear the remarks of the good Senator from District 20, who purported to be speaking with expertise and in critique of some physicians in my district who have sent communications to this Legislature on this subject. He said, “Things are different in Ann Arbor.” Well, that's true and I am glad of it. We will see further evidence of that in a few minutes.

In Ann Arbor at the University of Michigan Medical Center, we have some of the foremost experts in the field of obstetrics and gynecology not only in the state of Michigan, not only in the United States of America, but in the entire world. We have people who come from all over the state—your constituents. When some of you have serious medical issues that demand specialty care, you turn to the University of Michigan Medical Center. That's what Governor Engler did when he and Mrs. Engler were dealing with a complex pregnancy and came to U of M to deliver their triplets.

So I think when somebody from the medical center, who is the chair of the obstetrics and gynecology faculty of that department of that medical school speaks, I think they deserve respect. I don't think we should be referring to them as being an ivory tower because they are people who are relied upon, who people come to in helicopters to get their help.

So when they tell us that this raises doubt in their mind of how they might have to deal with a woman who is coming in and miscarrying, I don't think we should treat that lightly. I think we should pay careful attention to the position that we are putting physicians in as well as their patients.

This kind of legislation not only creates doubt in the minds of providers, but is intended to intimidate them and prevent them from giving the kind of treatment that is legally allowable. Not only is it putting legislators in the medical examination room, but in turn, it is trying to put physicians in the position of the courtroom trying to rule on a case-by-case basis on whether or not they can legally treat a woman who's under their care with a certain procedure. I don't think we should be putting either medical doctors or their patients, who are our constituents, in that position. I very much value life. I value the life of the woman who falls in need of this procedure, by the way, that is not even mentioned in this bill. There have been many references to it today, but no procedure is mentioned in this bill, which is part of the problem with it. I, again, hope we can maintain some accuracy and respect in our remarks in our debate.

Senators McManus, Hardiman, Cropsey, Birkholz, Clarke, Brown, George, Goschka, Cassis, Garcia, Jelinek and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McManus' statement is as follows:

I am proud to speak in favor of the people's override today. I am one of its over 460,000 co-sponsors.

Today, the Legislature will make history. We will approve the citizen initiative Legal Birth Definition Act and make it law, despite gross distortions by its opponents, despite threats of legal challenge, and despite the Governor's Friday afternoon veto of Senate Bill No. 395, the original version of this proposal.

We will show that you cannot hold back the will of the people. Partial-birth abortion offends the conscience of Michigan. The Constitution allowed the citizens of Michigan 180 days to collect 254,000 signatures to submit the proposal to the Legislature. It took only 90 days—90 days, ladies and gentlemen—to collect over 460,000 signatures and the petition circulators were all volunteers.

Thousands of everyday men and women from every one of our Senate districts made a difference, and now it's our turn. By a simple majority vote, we will make the Legal Birth Definition Act the law in Michigan. With that vote, we can protect women, their health, and their dignity. We can prevent women late in their pregnancy from being pressured into medically-risky abortions. We can refocus our society on supporting, protecting, and healing women with troubled pregnancies, rather than throwing them away. Our daughters, our nieces, our granddaughters, and our children they will carry are not throw-aways. I support the Legal Birth Definition Act for my nieces, my daughters, and for myself.

By approving the Legal Birth Definition Act, we can enact a basic standard of decency: A child who is in the process of being born deserves the full legal protection that you and I have. This debate is not about some abstract rights. It's about how we could deny physical protection to a partially-born child in good conscience. We must protect these children. They are among Michigan's most vulnerable members.

The opponents of this legislation have done their best to hide the exception for the mother's life and physical health. Opponents have fallen back on half-truths and mischaracterizations because the exception is present, and it is reasonable. The Legal Birth Definition Act makes an exception for extreme and rare circumstances where the delivery of a child threatens the mother's life or physical health.

So what is adequate when we talk about health exception for the opposition? Apparently, it means an exception that would allow the abortion to occur in almost any circumstance. They ask for a mental health exception, as an example. Does that mean we should authorize abortions where the mother might feel bad that she's delivering a child at a difficult time in her life or because the child has special needs?

Do we discard the ill and the elderly because it hurts our so-called mental health? Do we discard the sick and the vulnerable because the care is expensive or inconvenient? If these living, breathing, partially-born children do not deserve our protection, how will we protect the ill and the elderly? The answer is that if we don't protect these vulnerable children, then it's only a matter of time before the ill and the elderly are threatened. The Legal Birth Definition Act is a test for Michigan's sense of human dignity and moral decency. The over 460,000 co-sponsors of this particular initiative who brought the act to us today have passed the test. Now, my colleagues, it's your turn.

Senator Hardiman's statement is as follows:

I rise in support of the Legal Birth Definition Act. I say to my colleagues, I strongly urge your support of this act as well. *Roe v. Wade*, that decision, stated that the unborn child was not constitutionally protected, but it does allow the states to define the point of birth. This brilliant piece of legislation does exactly that. Not only is it brilliant, but I think very appropriate. It would protect babies being born at the point of birth. From the legal standpoint, I think we are on very solid ground.

You've heard a great argument from the Senator from the 35th District, which I appreciate. Let me just speak for just a moment from a personal standpoint. I'm a parent. Many of you are parents. My wife Clove and I would be incredibly—I can't even explain how difficult it would be to take the life of our child at the point of birth. Other than a medical emergency, I don't even understand how one would want to do that. This act would prohibit that.

There have been arguments saying that we don't want to go back to the old days when women had no rights or doing back alley abortions. That's not what this is about. This is about partial-birth abortion. I would urge all of my colleagues to support this act.

Senator Cropsey's statement is as follows:

The Supreme Court of the United States had ruled in the *Casey* decision that the state had legitimate interest from the onset of the pregnancy in protecting the health of the women and life of the fetus. It went on to say that this, too, we find consistent with *Roe's* central premise and indeed the inevitable consequences of our holding that the state has an interest in protecting the life of the unborn. There is substantial state interest and potential life throughout pregnancy. That is what the United States Supreme Court ruled in *Casey*, which is not known as a pro-life case, but as a pro-abortion case. But even the United States Supreme Court said the state has an interest. *Casey* states that it must be remembered that *Roe v. Wade* speaks with clarity in establishing not only the women's liberty, but also the state's important and legitimate interest in potential life. *Casey* goes on and states: "Women's liberty is not so unlimited, however, that from the outset the state cannot show its concern for the life of the unborn." *Casey* further states: "Regulations that do no more than create a structural mechanism by which the state or parent or guardian of a minor may express profound respect for the life of the unborn are permitted."

I don't like the terminology either because I think the terminology on both sides just plain glosses over what is happening. When we talk about a partial-birth abortion that the Governor used in her veto message, what are we talking about? Let's go in and let's take a look at what we are talking about. We're talking about a fully formed baby, a human life, coming out of the birth canal, coming fully out of the birth canal, except for the head. A breached birth induced that way and then as the child is lying outside of the birth canal with the head still in there, the doctor takes his or her forceps and punctures it into the head of that child. That child spasmodically throws its arms and legs back and the child's brains are sucked out. Let's call it for what it is. It's an evil procedure. It's the taking of a life of an innocent human baby. That's what we are talking about.

Our state Constitution says: "We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this constitution." What we are doing is we are protecting at least a few of the posterity there from this gruesome procedure. And I would strongly urge that we support this and stop this gruesome, heinous, evil practice.

Senator Birkholz's statement is as follows:

Colleagues, I would like to share a story with you this morning. During the last couple of years, I've had the opportunity to work with Mrs. Jill Stanick, a registered nurse from Illinois. Many of you have met her. She testified here in Michigan and before the U.S. Congress regarding her experience at Christ Hospital in Oaklawn, Illinois. While there, Nurse Stanick witnessed numerous induced labor abortions, by which a woman would be induced to give birth and then the premature baby was left to die alone in a dirty laundry room in the hospital. That's correct; she was ordered to leave those babies alone, walk out on that small breathing life, that living baby, and told to let that baby die.

As outrageous as that sounds, this cruelty is legal in Illinois, and it is still legal in Michigan. Without the enactment of the life definition act, it will remain legal in Michigan. It seems unconscionable that medical care professionals, people who have been entrusted with the duty to protect and preserve life, are allowed, encouraged, and even ordered to stand by and do nothing as an innocent baby is left to die.

Nurse Stanick is now a champion of children's rights. Throughout the whole nation she speaks to this issue. When she was last here, she lauded and, in fact, she congratulated me and the rest of my colleagues in this body who helped enact the safe haven for abandoned babies law two years ago. She said that she has pointed to Michigan as a national model for a safe haven for abandoned babies. She has recommended that other states follow our lead, our precedent-setting legislation. She said to me, "Patty, it's a great law. It's working. Thank you. Now keep up your good work."

Michigan has been a pioneer and a leader in the protection of the unborn. We have an opportunity today here in this chamber to be a pioneer and continue our leadership for our babies by passing this legislation and enacting the life definition act. I urge your support for Senate Bill No. 395.

Senator Clarke's statement is as follows:

This issue is very important to many of our citizens in Michigan. On the original Senate Bill No. 395, I abstained from voting. The citizens of the 1st Senatorial District deserve to know where their Senator stands and why, so Mr. President, I will have a very, very brief statement on my position.

I oppose the procedure commonly known as partial-birth abortion. I believe, as a matter of my faith, that life begins at conception. I still have concerns as a matter of law and policy that this proposed legislation may not be the appropriate way to ban this procedure. Because of this concern, I will not support this initiative, and I choose again to abstain from voting.

Senator Brown's statement is as follows:

Let's not go back 50 years; let's go back 200 years. Some things, Mr. President, are plain and simple. This legislative initiative petition protects a civil right; it is civil rights legislation—civil rights legislation. Among the very first words out of the 1776 Continental Congress, as you know, Mr. President, was a statement about life as an unalienable or inalienable right. It is the basis of our government. It was the basis upon which we separated from Great Britain. It was the basis and should be now a matter of common sense. It speaks to a self-evident truth. How many women signed the initiative petition? Thousands—thousands.

Mr. President, the way we treat the most vulnerable among us is telling. This legislative initiative petition allows the people to speak, men and women, on behalf of the most vulnerable—the unborn. If we can't, Mr. President, define birth, we can't define anything.

I urge support of this initiative.

Senator George's statement is as follows:

I wish to respond to some of the arguments I have heard today and before regarding medical reasons given to oppose this bill. I've read the arguments offered by a few of my physician colleagues who oppose the bill, and I want to respond to them. I find that their logic is flawed and that their arguments are based on scare tactics.

In particular, one physician from the University of Michigan hospital is quoted as saying that he often treats women who arrive at the hospital miscarrying with part of the fetus already outside the women's bodies, while there is still a fetal heartbeat, and that passage of this law will interfere with his necessary medical treatment. Now, as many of you know, I have provided anesthesia coverage for emergency surgery at two busy hospitals for almost 20 years. I have administered anesthesia for literally hundreds of women who have come to surgery to complete a miscarriage, and in none of these instances was the baby still alive or with a heartbeat.

The common conclusion to the scenario proposed by the Ann Arbor physician would be that a baby miscarrying in this fashion would either die in utero or be delivered intact and then would die due to extreme prematurity within a few moments of birth. That would be the common conclusion to this scenario.

Now I understand that sometimes things are a little different in Ann Arbor. I spent seven years training at the medical school and then did my anesthesia residency there. But, again, I was never asked to provide care for surgical treatment of a miscarriage where the baby was still alive, such as proposed by the physician there.

But let's say, for the sake of argument, that this scenario did occur, that a woman might need to be rushed to surgery for completion of a miscarriage while the baby was alive and had a heartbeat and that is was partially delivered. Well, if in fact, the mother's health was in danger from, say, bleeding or from the risk of infection, then the physician would be justified and protected by the proposed law if he or she did, in fact, determine that for some reason it was necessary to dismember the baby in order to deliver it in order to save the mother's life. This law provides a clear exemption for this. If you read the law, it's in plain English. It provides an exemption, and it says that if the perinate is being expelled from the mother's body as a result of a spontaneous abortion, it provides two other exemptions to save the life of the mother or to avert an imminent threat to the health of the mother. It is really in plain English and is unambiguous.

The doctors who make this argument do not represent the mainstream of the medical profession, nor do they convey what is common medical practice; instead, they choose to use scare tactics.

What we do know about partial-birth abortions is that there are a small number of abortion doctors who, for whatever reason, routinely perform partial-birth abortions as their abortive method of choice. Whether it was through habit or training or personal preference, there are a small number of doctors who use this technique routinely, while the vast majority of abortionist never use it, and restricting it will not—I repeat, it will not—affect the vast majority of abortions performed in this state.

As has been done in recent history, the defenders of this practice tend to cloak their arguments in a white gown using medical terminology. The citizens of Michigan have heard this before and have not been fooled. We heard from the same group of physicians 17 years ago when they insisted it was necessary for tax dollars to be used to pay for Medicaid abortions. We heard from the ivory towers that if we didn't fund Medicaid abortions, we would be overrun with unwanted teen pregnancies. Well, the citizens of Michigan did not fall for the scare tactics then. When Governor Blanchard vetoed the legislation, which, by the way, came from a Democratic House and a Republican Senate, a bipartisan measure, when he vetoed it, which would have banned Medicaid funding of abortions in 1987, a similar citizens initiative was undertaken, and it was successful. Medicaid funding of abortions using tax dollars was banned. You know what? The sky has not fallen. The scare mongers were wrong, and in fact, teen pregnancy rates and the teen birth rate have since declined.

We heard from my medical colleagues again in 1998 when they wanted to legalize assisted suicide. Again they medicalized the argument coining such phrases like "death with dignity" in which to couch their arguments. They gave long-winded, academic speeches, and once again, tried to scare the public into believing that if we didn't legalize assisted suicide, we'd all die long, painful deaths. Well, once again, the public was not fooled by these scare tactics. The measure which would have legalized assisted suicide in Michigan failed by a large margin, and you know what, palliative care in Michigan has never been better. We know that people can die with dignity without assisted suicide.

So, once again, my medical colleagues seek to couch their arguments with medical terminology and scare tactics, and, once again, they are wrong. Passage of this law will not hinder the care of women. Passage of this law will not lead to pain and suffering. Passage of this law will not outlaw all abortions. Passage of this law will not lead to more teen births.

Once again, the public is able to see through this cloud of medical obfuscation. The public can discern the truth, and the public is right. I applaud the public. They are smarter than we think. I would ask my colleagues to support this measure that the public has initiated.

Senator Goschka's statement is as follows:

I also rise in support of this legislative initiative petition by the citizens of the state of Michigan. This is a public initiative. The people of the state of Michigan have spoken on a very important issue. This is one that will never go away.

I believe that this really is an issue that defines our society. It behooves every one of us, I believe, as individuals to take a serious look at the issue of birth itself. What is our society going to be noted for? What are our distinguishing characteristics? Our forefathers started this country with a very simple statement of a reason for existence. It is the right to life, liberty, and the pursuit of happiness; that, as fundamental as Americans, we believe in the right to life, liberty, and the pursuit of happiness.

Now, I personally believe very strongly that human life begins at conception, but this issue is about partial-birth abortion. A baby who is full-term, completely ready to be born, indeed, has made its way through the birth canal—that's human life. And to think that somehow we look the other way and at the moment of birth, turn that baby around so that all is exposed, except for the head itself, and somehow justify the killing of that baby, that flies in the face of conscience. It flies in the face of faith. And I don't believe anybody truly in their heart of hearts believes that that is an appropriate procedure to pursue.

This is indeed an emotional issue and will continue to be. But you know, seven lawyers voted on January 22, 1973, for the rest of an entire country that we would have abortion, rewriting the laws in 40 states with nothing to go on but a preconceived notion that that's what they wanted to do. There's nothing in print at all, anywhere, still to be found to justify it. But we have learned a lot since then. We've learned about the fact that unborn babies very early in their stages feel pain. They have their fingerprints. They have their individual personality, their own separate blood type. We are talking about individual persons, human beings from the moment of conception. This is a matter conscience; something every one of us will have to live with, where we come down on this issue. In this arena, there is the whole loaf versus half loaf theory. There are issues that we give on to win in certain areas. This is an issue that, by conscience, I could not give an inch.

The health of the mother is fully considered and protected in this measure, and that, ultimately, is the issue before us as we look at the petition itself. And so what's the defense of human life? I would beseech the members of this Senate to truly look into your heart of hearts; to consider the very miracle of birth itself. It's something you'll have to live with not only in this life, but for eternity.

I pray to God Himself that we make the right decision, that we stand for life. We are His creation. I would not want to do anything to stand in His way of creating us in the wonderful way that He does.

Senator Cassis' statement is as follows:

I rise in respect to straight talk regarding partial-birth abortion. It is the killing of a human being on the brink of life. Without respect and reverence for life, then what values do we uphold? How can we possibly pick and choose who lives and who dies? I believe strongly in a higher power who protects us all. Give us strength to love and to care for those who are living and for those about to breathe the breath of life as we vote today.

Senator Garcia's statement is as follows:

I rise in support of the people's petition. Time and time again members of this chamber have asked us to think of the children or to do this for the children. And I ask you today, who is speaking for the children now? I believe if you vote for this initiative, you are voting to protect children. It's that simple.

Senator Jelinek's statement is as follows:

I'm confused. Where is the necessity of debate? This is a no-brainer. We are talking about a living, breathing person or persons. If any person in this body is attacked by any other person by this very gruesome form of taking a life, he or she would be charged with the most heinous of murder crimes. We are adults who can protect ourselves. These young babies cannot. It is us adults—us—it is our responsibility to protect these little people. We must protect them. We don't have a right not to protect them. We must pass this initiative petition.

Senator Sanborn's statement is as follows:

I felt compelled to speak. I believe that life is sacred. I believe that it begins at the moment of conception. Defense of life is a core issue to me, and I am defending the rights of the children yet unborn who do not have a voice before this esteemed body. My greatest regret is that I will never know my brother Johnny, my sister Diane, and my sister

Mary Elizabeth, whose lives were lost through miscarriage. I visited their graves eight weeks ago. I hope that one day I will know them in paradise.

It has been suggested today that because of these types of extreme views that one should be subject to a recall. I don't know if that is true. I do know that I will be voting my conscience. When I hit my knees tonight, I pray that my Maker will smile down on me and that He will say, "Well done, my good and faithful servant."

Senator Hammerstrom moved that the initiative petition be given immediate effect.

On which motion Senator Hammerstrom requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 365

Yeas—23

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

Nays—10

Bernero	Clark-Coleman	Leland	Scott
Brater	Emerson	Schauer	Switalski
Cherry	Jacobs		

Excused—1

Toy

Not Voting—4

Clarke	Johnson	Prusi	Thomas
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In The Chair: Birkholz

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

The motion prevailed.

Senator Brater's statement is as follows:

I do have some special guests in the Gallery. I know that it is a somber moment in the chamber at the moment, but I wonder if I could ask some of my colleagues to join me at the podium and if I could introduce my guests at this time. If there are any Wolverine fans on the floor who would like to join me, I would like to ask them to do so at this time. We did hear earlier that Ann Arbor is different, and we are going to show it now.

Madam President, we are very honored today to have some very, very special guests in the northwest corner of the Gallery. They are Coach Tommy Amaker and the co-captains of the University of Michigan basketball team, J.C. Mathis and Collin Dill. They are here to celebrate a very successful 2003-2004 season where the Wolverines have continued to move forward in their development as one of the top programs in the Big Ten Conference and in the nation. This season the Wolverines recorded the program's first 20-win season in six years, with a 23-11 overall mark and capped off the season capturing the 2004 NIT title. I really would appreciate it if all of my colleagues would help me welcome our very special guests to the Senate this morning.

The following bill was read a third time:

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).

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. 366

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—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The Assistant President pro tempore, Senator Sanborn, resumed the Chair.

The following bill was read a third time:

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 section 7 (MCL 125.1657), as amended by 1985 PA 221.

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. 367

Yeas—36

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Clarke	Jelinek	Schauer

Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—1

Cropsey

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 831, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 97.

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. 368

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 832, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109h. 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. 369**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—0**Excused—1**

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5730, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 517 (MCL 436.1517).

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. 370**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—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; 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. 5731, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 517a.

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. 371

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
Brown
Cassis
Cherry

Gilbert
Goschka
Hammerstrom

McManus
Olshove
Patterson

Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; 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. 5494, entitled

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.

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. 372

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas

Cassis
Cherry

Hammerstrom

Patterson

Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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:

Senate Bill No. 1201, 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 3 (MCL 125.1653), as amended by 1993 PA 323.

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. 373

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1202, entitled

A bill to provide for the establishment of a historical neighborhood tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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. 374**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—0**Excused—1**

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5681, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76505 and 76507 (MCL 324.76505 and 324.76507), as added by 1995 PA 58, and by adding section 76507a.

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. 375**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—0**Excused—1**

Toy

Not Voting—0

In The Chair: Sanborn

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.

The following bill was read a third time:

House Bill No. 5008, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 226 and 802 (MCL 257.226 and 257.802), as amended by 2003 PA 152.

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. 376**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
Brown
Cassis
Cherry

Gilbert
Goschka
Hammerstrom

McManus
Olshove
Patterson

Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5273, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

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. 377

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; 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. 5502, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328, section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

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. 378

Yeas—29

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

Nays—8

Bishop	George	Johnson	Sanborn
Brown	Goschka	Patterson	Stamas

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

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. 379

Yeas—29

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

Nays—7

Bishop	George	Patterson	Stamas
Brown	Goschka	Sanborn	

Excused—1

Toy

Not Voting—1

Johnson

In The Chair: Sanborn

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 raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

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. 380**Yeas—29**

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

Nays—7

Bishop	George	Patterson	Stamas
Brown	Goschka	Sanborn	

Excused—1

Toy

Not Voting—1

Johnson

In The Chair: Sanborn

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. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

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. 381**Yeas—29**

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

Nays—7

Bishop	George	Patterson	Stamas
Brown	Goschka	Sanborn	

Excused—1

Toy

Not Voting—1

Johnson

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
 Senator Hammerstrom moved that the bill be given immediate effect.
 The motion prevailed, 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:

Senate Bill No. 1133, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 205.

The question being on the passage of the bill,

Senator Birkholz offered the following amendments:

1. Amend page 3, line 21, after “**program.**” by striking out the balance of the subsection and inserting:

“(3) However, successful participation in the quality recognition program is mandatory for a commercial laboratory that seeks to perform testing associated with a state-funded project or program authorized under this act. When the department lets contracts for state-funded laboratory work authorized under this act, the department shall use only those commercial laboratories that are successful participants in the quality recognition program. Exceptions may be made if desired analytical support services are not available from a commercial laboratory that is a successful participant in the quality recognition program.” and renumbering the remaining subsection.

2. Amend page 5, line 16, after “**20505(2)**” by inserting “**and (3)**”.

3. Amend page 5, line 24, after “**section**” by striking out “**20505(2)**” and inserting “**20505(3)**”.

4. Amend page 6, line 11, after “**laboratories**” by striking out the balance of the subdivision and inserting “**that meet the requirements for successful participation in the quality recognition program, to the extent sufficient data is available.**”.

The amendments were adopted, a majority of the members serving voting therefor.

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. 382

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—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1135, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 20517 and 20519.

The question being on the passage of the bill, Senator Birkholz offered the following amendments:

1. Amend page 1, line 10, after “of” by striking out the balance of the subdivision and inserting “public laboratories.”.
2. Amend page 2, following line 2, by inserting:
 - “(f) A representative of the general public.” and relettering the remaining subdivision.
3. Amend page 2, line 5, after “to” by striking out “(e)” and inserting “(f)”.
4. Amend page 3, line 10, after “section” by striking out “20505(2)” and inserting “20505(4)”.

The amendments were adopted, a majority of the members serving voting therefor.

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. 383

Yeas—36

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

Nays—1

Sanborn

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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 Assistant President pro tempore, Senator Sanborn, designated Senator Clark-Coleman as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

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

1. Amend page 3, line 2, after the first "mortgage" by striking out the comma and inserting "and".
2. Amend page 3, line 3, after "recorded" by striking out the balance of the line through "**assignment**" on line 5.

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

The motion prevailed.

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

Senate Resolution No. 268

Senate Resolution No. 269

The resolution consent calendar was adopted.

Senator Barcia offered the following resolution:

Senate Resolution No. 268.

A resolution honoring the ARC Michigan on the occasion of its annual conference in Bay City.

Whereas, The ARC Michigan is an advocacy organization dedicated to improving the lives of persons with developmental disabilities; and

Whereas, The ARC Michigan exists to empower its 50 local chapters across the state to assure that citizens with developmental disabilities and their families are valued and can participate in and contribute fully to the life of their communities; and

Whereas, Since its establishment in 1951, the ARC Michigan has assisted thousands of individuals with mental deficiencies and developmental disabilities live independent lives; and

Whereas, The ARC Michigan was instrumental in efforts to deinstitutionalize individuals with mental deficiencies and allow them to live, work, play, and learn in their communities; and

Whereas, In 1973, through the tireless efforts of the ARC Michigan, our state became one of the first in the country to mandate that special education be available to all persons with developmental disabilities; and

Whereas, On behalf of its over 12,000 members, the ARC Michigan continues to monitor all legislation and issues that impact the individuals they serve; now, therefore, be it

Resolved by the Senate, That we commend the ARC Michigan for its 53 years of commitment to persons with mental deficiencies and developmental disabilities. We wish them well as they gather on June 10-12, 2004, for their annual conference at the Doubletree Hotel and Conference Center in Bay City; and be it further

Resolved, That a copy of this resolution be transmitted to the ARC Michigan as evidence of our admiration for their hard work and success.

Senator Sikkema, on behalf of the entire membership of the Senate, offered the following resolution:

Senate Resolution No. 269.

A resolution offered as a memorial to the life of former President Ronald Wilson Reagan.

Whereas, With the passing of our nation's 40th President, Ronald Wilson Reagan, on June 5, 2004, our citizens take pause to reflect on the life and times of a man whose boundless enthusiasm for America and the American dream, deep belief in the inherent goodness of the human spirit, and unwavering commitment to the idea that freedom and individual liberty are inalienable rights granted by our Creator not only to Americans, but to people all over the world, resulted in an indelible impact upon our nation and the world both during his years of service as President of the United States and beyond; and

Whereas, Ronald Reagan assumed the presidency at a time when Americans were yearning for positive leadership that looked to reaffirm the fundamental goodness of America and the American people and re-establish the belief that our country could only resume its leadership role in the world if it looked inward at unleashing the creative talents and spirit of her people. President Reagan both inspired a nation and influenced the world to confront the fundamental truth that empowering individuals through political and economic means was key to bringing about true progress and prosperity; and

Whereas, Since leaving the presidency in 1988 after two full terms of office, President Reagan's legacy has transcended the borders of the country he served with genuine affection for its people, pride in its heritage, unbridled enthusiasm for its future, and profound humility for the high office he held. The positive impact of his ideas and his ideals has been manifested from Moscow to Mongolia, from Caracas to Copenhagen. Over the Pyrenees and across the Great Divide, his unifying message of freedom and democracy moved people around the world to endeavor to tear down the walls of economic, social, and political oppression from the time he occupied the Oval Office to this very day; and

Whereas, President Reagan's grace, dignity, and love of the American people were apparent to all during his post-presidential years in California, where he privately withdrew from public life. In 1994, when it was discovered that he was afflicted with Alzheimer's disease, he and his wife Nancy chose not to keep the matter private, but to share the information with the public in order to build awareness of the disease, acceptance of the awful toll on those who suffer from it, and support for efforts to find a cure. It was clear that President Reagan's kindness and selflessness were innate to his character as a man; and

Whereas, The passing of President Ronald Wilson Reagan has brought a flood of tributes that, while numerous in their origins—Republican and Democrat; American, European, and Asian; conservative, liberal, and even socialist—are singular in their message. Ronald Wilson Reagan was a man of enthusiasm, conviction, forthrightness, charm, and wit. He was a man who chose to use the political process to build this country up by focusing on the positive message of his ideas and not to tear down the America he loved so dearly by engaging in the negative politics of personality; now, therefore, be it

Resolved by the Senate, That we hereby offer our highest expression of regard for the life and times of President Ronald Wilson Reagan as a tribute to his passing on June 5, 2004. President Reagan was often quoted as saying that there is no limit to what a man can do or where he can go if he doesn't mind who gets the credit. We take a reflective moment to singularly credit him for all he did to make this country and the world a better place; and be it further

Resolved, That copies of this resolution be transmitted to both the Reagan family and the Ronald Reagan Presidential Foundation and Center for Public Affairs as evidence of the lasting esteem the people of Michigan shall always hold for the memory of the 40th President of the United States, Ronald Wilson Reagan.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Sikkema, Scott, Cassis, Cropsey, Switalski, Garcia and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

Earlier today under the consent calendar, we passed a resolution that was a memorial to the life of President Ronald Reagan. As I reflect on the life of this remarkable man, I really see his life as the great American story. I think what's remarkable about it is it's not a life that was not just played out in movies or in the pages of a book, but it was the real life of a real man.

Here's a guy who started out with very modest beginnings in the Midwest and gradually moved West. He was a radio sports announcer in Iowa and then obviously moved to California. It seemed that with each step of his life, he seemed to kind of play out this great American idea of dreams bigger than life itself. He clearly was a risk taker. As he moved on in life, he was not guaranteed success. He was willing to take some risks with his own life, which brought him all the way to the office of the governor of California and then, ultimately, to President of the United States.

He seemed always to be happy while he was doing it. The pictures I remember of Ronald Reagan, and we see it in the news media this week, is a man who always seemed to be smiling and always seemed to be enthused about what he was doing. Yes, not everybody can become President, but I really think his journey through life represents the journey of many Americans.

People called him the great communicator. As I reflect on what that really meant and why people saw him that way, it seemed to me it was because his thoughts and words seemed to strike something in all of us that was lying just beneath the surface in layers of self-doubt as a country, questioning whether we were on the right course as a nation. Ronald Reagan basically said, "Stop second-guessing yourself all the time." America is about one core belief, and that's freedom and liberty and democracy. That defines us. That's who we are as a nation. People sometimes complained that he seemed to be too simple. I think that was what was uniquely attractive about him and made him so effective. He said don't get so cluttered up with all kinds of qualifiers and caveats about our belief in liberty and democracy—promote it. And, of course, what made him unique in history is there was another entity at the time, the Soviet Union, that believed the opposite. Ronald Reagan wasn't afraid to take that core belief of America and say this is what we stand for, and we're going to confront anybody who doesn't believe the same thing.

Who can forget that remarkable statement that we've seen this week at the Berlin Wall where he says, "Mr. Gorbachev, tear down this wall." You know his advisors at the State Department told him, "Don't say that; it's too provocative. You're going to get into a lot of trouble." He had the soundness and the sense to realize that's what we believe, and we ought to say it. Ultimately, he prevailed, and American democracy and freedom prevailed as well.

The other thing that I find remarkable about him is that for a guy who became governor of California and President of the United States, he had this refreshing self-effacement about himself. Be true to yourself, but don't take yourself too seriously at the same time is what he seemed to be saying. You know, you can have differences with people, but you don't have to be mean-spirited about those differences. The Bible talks about a man without guile. I had to look up that word "guile." It means deceit. Ronald Reagan clearly was a man without guile. He was clever and he was cunning, but he was also a man without deceit.

I think Ronald Reagan and the life of Ronald Reagan was truly an American life. I can't imagine the life he led: modest upbringings, traveling throughout the country, gets to California—the land of opportunity and promise—and becomes President. I can't imagine that life being played out in any other country in the world. And there he was, always optimistic about America and our future. His memory will linger long, and I am convinced the history books will record that he was a great American President.

Senator Scott's statement is as follows:

Just yesterday, the commissioner of Financial and Insurance Services issued the new and improved *2004 Buyers' Guide to Auto Insurance*. This publication provides valuable information to consumers, including information on how to shop around for the best deal on auto insurance. We all know that rates vary from company to company, and by shopping around, consumers can experience considerable savings. The guide also contains information on an annual survey of auto insurance companies, with their published rates in different areas of the state. This guide is just one of the many services provided by the OFIS commissioner in an effort to assist Michigan's consumers.

Auto insurance in Michigan is regulated by OFIS based on competition. As such, rates cannot be considered excessive if competition truly exists amongst insurers. I am thrilled that the OFIS commissioner has taken it upon herself to examine this issue and to determine if, in fact, competition does exist in Michigan's insurance industry. I spoke to this issue in my comments yesterday when I described to you how two states, Ohio and Texas, were experiencing a decrease in auto rates. One of the major reasons cited for this reduction was the competition factor. Amongst other contribution factors, I believe that a lack of competition can have a significant impact on the rates that are being charged for consumers in our urban areas. As such, I am eagerly awaiting the results of the commissioner's investigation, which are due within the next couple of months.

Senator Cassis' statement is as follows:

I stand to celebrate the legacy of President Reagan and how it affected my life. I will not attempt to eulogize by reiterating all the wonderful attributes of our departed President, knowing full well and with all humility that many authors and politicians are more capable of doing him justice. Rather, I would like to state my impression of how his economic views transformed our nation and how they can be a source of inspiration to us in this hall of the people.

I was an educator and young mother of two small children when the Reagan revolution swept our land. In its infancy, the naysayers humored it. But that was a natural phenomenon to something new, different, and budding in the landscape. Just as weeds and weather may suffocate germination of seed, so too can words stifle growth.

However, his natural optimism, dedication, and belief in his cause kept these innovative ideas alive and to blossom and bear abundant fruit. He believed in limited government. He pushed down the top marginal income tax rate from 70 percent to 25 percent. He believed in the goodness of the common man. It is those tax cuts that led the U.S. economy to grow by one-third by 1990 and ignited economic prosperity. They called it "Reaganomics." *The Washington Post* called it a failure, and one important politician, who later would become President, ridiculed it as voodoo economics. However, President Reagan possessed certain core qualities that helped him in his deliberate pursuit of the cause. He stuck to his core convictions and was steady in crisis.

What we call today a crisis in our economy—be it our state or nationally—dwarfs in comparison with what President Reagan inherited. He did not shake. He did not tremble. He did not recommend a small tax here or a higher fee there. He was decisive and determined to avoid offensive reasoning based on fear. Rather, he stuck to his convictions that brought people together and reined in big government and creeping taxation. President Reagan believed that government is too big and it spends too much.

A few years later, a Democratic President put it in different words: "The era of big government is over." Is there a lesson we can learn? As fate drew me more and more into the service of my constituents, the Reagan principles became more meaningful and relevant. I made decisions that drew strength from the values he espoused. We all come here with certain beliefs and a sincere desire to serve. So what can we take away from the life and public service of an extraordinary human being and a great American? A great American who dared to reach out, to come together, to be optimistic, and to communicate the highest of values and dreams; a great American who challenged us to re-examine how a successful economy works, stressing individual responsibility and initiative; a great American whose life story and love story with his wife Nancy and his love for country will be an enduring inspiration.

At the end of the day, we each will all have our memories of the 40th presidency. History will record his impact. It will be up to us to pass along to our children and our grandchildren the qualities and character Ronald Reagan personified. As we go through our civic life, burdened and tried by tough decisions, the winds of autumn may weaken emotions. President Reagan's fortitude weathered the elements and triumphed over the doubts and prophets of fear. His legacy survives to this day and will live on. May it be an inspiration to us as we go through life's journey and strive to earn the trust of those we represent.

Senator Cropsy's statement is as follows:

It is mourning in America today. However, we need to go back 24 years and remember what America was like in 1980 while we were in a dark night of despair. It was, as President Jimmy Carter said, we had a national malaise. First of all, communism had taken over Angola, Grenada, and Nicaragua. The Soviet Union had invaded Afghanistan. There was war in El Salvador and Guatemala. The Soviet Communists believed that triumph, worldwide communism, would triumph worldwide; that Central America and Mexico would soon fall to them and that the United States would thereafter fall to communism without even a fight. Unfortunately, the intelligentsia in America believed that communism would ultimately prevail also. After all, the Communists had the bomb, and we would be foolhardy to risk nuclear war. In both Democrat and Republican circles, there were platitudes of peaceful coexistence and accommodation, even though communism had shown that it does not coexist or accommodate. It only seeks conquest, destruction, and death.

Also in 1980, the Middle East was in turmoil. The pro-Western Shah of Iran was overthrown, and a fanatical anti-American Ayatollah took power. We had our embassy overrun, and American citizens had been held hostage for over a year. What an embarrassment to what had been the strongest power in the world.

Finally, at home our economy was in a shambles. We had 22 percent interest rates, 13 percent inflation, and 9 percent unemployment that would ultimately go into double digits. We had long gas lines at the pumps because people knew there was a gasoline shortage.

Truly in 1980, our nation had gone into a national malaise. Times were depressing. Then providence stepped in and sent a most unlikely man to help America find its way again. Ronald Reagan was a man of simple faith who was a gifted communicator who learned in the radio stations in the Midwest. He eventually found his way to Hollywood and became an actor. He joined the armed services in World War II and fought communism. He fought fascism in World War II. As president of the Screen Actors Guild during the Cold War, he fought communism. He could never understand why some in Hollywood would advocate for a totalitarian style of communism.

In 1964, he eventually gave what is called "the speech," which set Ronald Reagan apart for a national platform at the Republican National Convention 40 years ago. He told how communism was evil and what needed to be done to defeat it. He also said how big government was bad and what needed to be done to correct it.

When he became President in 1981, he was underestimated by his foes in Washington and in the Soviet Union. Interesting enough, the Ayatollah did not want to mess with this cowboy from California. As he was being sworn in, the hostages were leaving Iran. Reagan was a man who called things as they were. He called communism an evil empire, which outraged the liberal media and the liberal intelligentsia here in the United States, but it gave hope to the people in the Goolog in the Soviet Union. He even went further and said that the American values would supersede communism and would leave it on the ash heap of history. Once again, the liberal intelligentsia scorned him and called him an amiable dunce from Hollywood.

He cut taxes significantly because he believed that people should spend their money and not have government spend it. Shortly after he left office, this amiable dunce, who said we would supersede communism, the Berlin Wall fell down and communism crumbled.

This man changed the world. He lived by his beliefs. Forty years ago in a speech he said this: "If we lose freedom here, there is no place to escape to. This is the last stand on Earth." He further went on to say, "Whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives better for us than we can plan for ourselves." He said that was a choice they faced. He also said, "We cannot buy our security by committing a billion people to communism enslavement." He said, "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the last step into a thousand years of darkness."

Thankfully, God gave us a leader who would not let us slip into a thousand years of darkness but would still be the best beacon, the shining city on a hill.

Ronald Reagan—I miss him, I love him, and I thank God for his leadership.

Senator Switalski's statement is as follows:

I will have on the consent calendar tomorrow a resolution to join the Governor in declaring this week, June 7 through June 13, 2004, as the second annual Aquatic Invasive Species Awareness Week in Michigan, to encourage people to find ways to prevent the spread and introduction of aquatic and invasive species in our waters. The DEQ Office of the Great Lakes is sponsoring Aquatic Invasive Species Awareness with collaborative efforts from other state and federal agencies, as well as private and nonprofit organizations.

Now, Mr. President, I would never bring props with me up to the podium, but if you will glance at the top of my desk, you will see a couple of little bottles of invasive species in there. This year's special focus for Aquatic Invasive Species Awareness Week will be the potential threat to our waters posed by hydrilla, an aggressive aquatic plant. So far, biologists have found no evidence of hydrilla in Michigan's shallow Great Lakes bays or 11,000 inland lakes and thousands of miles of streams. However, the level of concern for ecological damage and economic harm to Michigan's water resources has increased due to the fact that hydrilla is now known to exist in two Great Lakes states, Pennsylvania and New York.

So I hope everyone will join me tomorrow in naming this week the Aquatic Invasive Species Awareness Week in Michigan.

Senator Garcia's statement is as follows:

I rise to pay tribute to a great American, and in my view, a great President. President Reagan was the first President I could vote for, and I was proud to cast my vote for him. He was also my Commander in Chief during the majority of my active duty military service, and I had implicit trust in him because he supported us and because he shared our concern about the best way to protect our great country.

He also said what he was thinking, and he was not afraid to speak it because he saw the truth and he said it. No one will remember what we say here today unless they choose to read our remarks in the Journal. But I didn't rise to have my comments remembered. I simply rose to pay tribute and pay my respects to a great American.

Senator Patterson's statement is as follows:

Like so many of my colleagues, I rise to pay tribute to a fallen leader, Ronald Reagan—a man whose feet were once of clay, now with wings to soar with angels forever; a man for the ages, every one of us knew to be a person of purpose, strong beliefs, moral absolutes and conviction, faith, courage, resolve, dedication, commitment, and optimism; a symbol for all; a leader who was of good spirit, knew his own shortcomings, and worked to overcome them; at one time a Democrat, he evolved to be a Republican; a citizen of the world; a great American.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Switalski, Johnson, Jelinek, McManus, Bernero, Prusi, Thomas, Brater, Scott, Clark-Coleman, Olshove, Schauer, Emerson, Basham, Clarke, Jacobs, Cherry, Leland and Barcia introduced

Senate Bill No. 1290, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 11 (MCL 432.11), as amended by 1996 PA 167.

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

Senators Basham, Switalski, Jacobs, Prusi, Barcia, Clark-Coleman, Goschka, Cherry, Scott, Olshove, Clarke, Emerson and Schauer introduced

Senate Bill No. 1291, 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.

House Bill No. 5544, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

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 Transportation.

House Bill No. 5551, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

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 Finance.

House Bill No. 5823, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7ii. 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 Finance.

House Bill No. 5824, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j. 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 Finance.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1287, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 210 and 211a (MCL 750.210 and 750.211a), as amended by 2003 PA 257.

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, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1288, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16k of chapter XVII (MCL 777.16k), as amended by 2001 PA 136.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1289, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2855a (MCL 333.2855a), as added by 2003 PA 322.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 1, after "publicly" by striking out "display" and inserting "**disseminate**".
2. Amend page 1, line 6, after "public" by striking out "display" and inserting "**dissemination**".
3. Amend page 2, line 17, after "public" by striking out "display" and inserting "**dissemination**".
4. Amend page 3, line 12, after "public" by striking out "display" and inserting "**dissemination**".
5. Amend page 3, line 25, after "Public" by striking out "display" and inserting "**dissemination**".
6. Amend page 3, line 25, after "exhibit," by inserting "**disseminate,**".

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 773, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 2002 PA 629.

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, Schauer, Bernero and Brater

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, June 8, 2004, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, June 8, 2004, at 3:00 p.m., Room 110, Farnum Building

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

Excused: Senator Patterson

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 10, 8:30 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, June 10, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Education - Thursday, June 10, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:41 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, June 10, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate