

No. 62
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, June 17, 2004.

10:00 a.m.

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

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

Reverend A. Richard Doss of Mask Memorial CME Church of Lansing offered the following invocation:

Eternal God, we give You thanks for this day, and we thank You for the gift of government. We ask, Lord, that You would guide us through these deliberations today. Help us to be ever mindful of the persons from the various districts represented today and the needs of those people back home; yet, Lord, to balance them with the needs of all in our state. Help us to keep mindful before us, Lord, those who stand most in need.

We ask that You would bring to our state peace and prosperity. We thank You, Lord, for the leadership, our state, our Governor, our Lieutenant Governor, and all of the various representative districts. We ask that You would empower them, Lord, to continue to do the good work that needs to be done for our state.

And finally, Lord, we thank You for the gift of freedom; freedom that we celebrate and continue to struggle for; freedom represented in the Juneteenth celebration; and then, Lord, freedom of choice, which we are all glad to be able to exercise as members of this state and as members of this country.

We give You thanks for everything. In Jesus' name. Amen.

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

Senators Barcia and Hammerstrom entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:17 a.m.

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

During the recess, Senators Emerson, McManus, Stamas, Brown, Bishop, Hardiman, Birkholz, Allen, Jelinek, Kuipers, Cassis, George, Cropsey, Van Woerkom, Johnson and Sikkema entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following concurrent resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

House Concurrent Resolution No. 61

House Concurrent Resolution No. 62

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

The following communication was received:
Office of the Auditor General

June 15, 2004

Enclosed is a copy of the following audit report:

Performance audit of Selected Community Colleges' Reporting of Activities Classification Structure Data for the colleges' fiscal year 2002-03.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 16:
House Bill Nos. 5328 5742 5743

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 16, for her approval the following bills:

Enrolled Senate Bill No. 943 at 2:54 p.m.

Enrolled Senate Bill No. 151 at 2:56 p.m.

The Secretary announced that the following official bills were printed on Wednesday, June 16, and are available at the legislative Web site:

Senate Bill Nos. 1294 1295 1296

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

Senate Bill No. 647

The motion prevailed.

The following message from the Governor was received:

Date: June 15, 2004

Time: 1:33 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 918 (Public Act No. 155), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 539j.

(Filed with the Secretary of State on June 16, 2004, at 2:38 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Senator Garcia entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 267

Senate Bill No. 774

The motion prevailed.

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 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. 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 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 amended the title to read as follows:

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

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

Third Reading of Bills

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

Senate Bill No. 1222

Senate Bill No. 1223

Senate Bill No. 1224

Senate Bill No. 1208

Senate Bill No. 1209

Senate Bill No. 1211

Senate Bill No. 1214

Senate Bill No. 1215

Senate Bill No. 1216

Senate Bill No. 1228

Senate Bill No. 1234

Senate Bill No. 1230

Senate Bill No. 1231

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1222, entitled

A bill to amend 1965 PA 285, entitled “Private detective license act,” by amending sections 9, 11, and 26 (MCL 338.829, 338.831, and 338.846), as amended by 2002 PA 474.

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. 403

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: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs’ statement is as follows:

I wish to speak on this bill, as well as the entire package of bills, which are a great example of the Legislature and the administration working together to make Michigan a more attractive place to do business.

At the beginning of this year, the Governor announced in her State of the State the one-stop shop for businesses being implemented by the Department of Labor and Economic Growth. This was the beginning of Michigan’s move to implement sweeping reform of the regulatory process to pitch the reels of red tape. In May, Director Hollister announced that the Michigan Timely Application and Permit Service would be launched this month. The program will activate numerous Web-based interactive permits and have links to others both within the DLEG and the DEQ.

This program makes Michigan the cutting-edge state across the nation for implementing a streamlined Web-based permit process. With the introduction of the Legislature’s cut-the-red-tape package, we have two branches of government working together to make Michigan better for business, although some sticking points remain. For example, the legislation attempts to hold a stick over state employees’ heads by punishing departments with financial penalties that might further increase delays. I support moving this package of bills.

The following bill was read a third time:

Senate Bill No. 1223, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

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. 404

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1224, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

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. 405

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
Cassis
Cherry

Goschka
Hammerstrom

Olshove
Patterson

Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1208, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," (MCL 288.471 to 288.540) by adding section 33a.

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. 406

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1209, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 6 and 9i (MCL 290.646 and 290.649i), section 6 as amended by 2002 PA 13 and section 9i as added by 1993 PA 236.

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. 407

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1211, entitled

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2003 PA 85.

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. 408

Yeas—37

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

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

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—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1214, entitled

A bill to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” by amending section 4 (MCL 287.334), as amended by 2003 PA 83.

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. 409

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1215, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 13 (MCL 400.713), as amended by 2004 PA 59.

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. 410**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1216, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 137 (MCL 330.1137), as amended by 1995 PA 290.

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. 411**Yeas—37**

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

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

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—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1228, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 5 and 9a (MCL 722.115 and 722.119a), section 5 as amended by 1998 PA 519 and section 9a as added by 1980 PA 232.

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. 412

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1234, entitled

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending section 4a (MCL 408.754a), as amended by 1986 PA 277.

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. 413**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1230, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 5 (MCL 338.2205), as amended by 1988 PA 461.

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. 414**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1231, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 207, 409, and 411 (MCL 339.207, 339.409, and 339.411), sections 409 and 411 as amended by 2002 PA 611.

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. 415

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: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

House Bill No. 5632

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5632

The motion prevailed.

The following bill was read a third time:

House Bill No. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

The question being on the passage of the bill,

Senator Emerson offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senator Sikkema requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 416**Yeas—16**

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

Nays—21

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

Excused—1

Toy

Not Voting—0

In The Chair: President

Protest

Senator George, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the substitute offered by Senator Emerson to House Bill No. 5632 and moved that the statement he made during the discussion of the substitute be printed as his reasons for voting “no.”

The motion prevailed.

Senator George’s statement is as follows:

I am eager to vote to raise the tobacco tax in Michigan to help fund Medicaid and health care for our citizens. I understand the need and the importance of that. However, I am going to vote “no” on this substitute, and I would like to tell you why.

I believe that the problem of smoking and tobacco-related illnesses that we face is larger than just funding Medicaid treatment for that illness. It is true that we do need to provide, and we find ourselves providing health care through the Medicaid system to people who have smoked all their lives, who now need their lungs removed or a cancer removed, and it is important that Medicaid be able to do that. I am eager to help Medicaid do that, but the problem is bigger than just paying for the treatment of smokers. We know that there are other ways we can reduce the incidence of this disease. That’s by reducing the incidence of smoking, and two of the prime ways to do that are through education and through basic science research. That’s why earmarking all of this money for the Medicaid trust fund overlooks some of the fundamental facts that play into smoking addiction. We know that as people’s level of education rise, they are less likely to be a smoker. I heard the Governor recently. She was in Kalamazoo, and she was decrying the low number of college graduates we have in Michigan. She was calling for more emphasis on education. We know that students who become better educated are less likely to smoke.

So I think you could make a very good argument that money raised through tobacco taxes need not all be spent simply on treatment. You could make a very good argument that education is the key component of reducing the incidence of smoking. In the same way, you can make the same argument regarding basic science research. Look at the improvements that we have made in addiction science today, the tools that we have now, to treat those who are addicted to tobacco. The use of nicotine patches, for example, and other oral medications which can be used to help someone go from being addicted to tobacco to a nonsmoker. Well, where did those treatments come from? They didn’t come through the Medicaid program. They came through basic science research, through life science research, through scientists, through universities, through investments, and pharmacology and studies that came through with medical breakthroughs that have helped millions of people. That is where the hope for reducing our tobacco costs lie, not just in paying for an intensive care unit stay for someone who is dying of emphysema or removing a tobacco-related cancer. Those are legitimate and important things that Medicaid needs to do.

If that’s all we are going to fund by raising the tobacco tax, then we are missing a golden opportunity to try and reduce the risk of smoking in this state through enhancing education and basic science research. For that reason, I am going to vote “no” on this substitute, though I look forward to voting “yes” on the measure that we will be seeing later today.

Senator Sikkema offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Schauer requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 417**Yeas—5**George
Hammerstrom

Johnson

Sikkema

Van Woerkom

Nays—32Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
BrownCassis
Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
GilbertGoschka
Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
OlshovePatterson
Prusi
Sanborn
Schauer
Scott
Stamas
Switalski
Thomas**Excused—1**

Toy

Not Voting—0

In The Chair: President

The question being on passage of the bill,
Senator Hammerstrom moved that further consideration of the bill be postponed for today.
The motion prevailed.

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

The motion prevailed.

Senator Switalski's statement is as follows:

I support a cigarette tax because we have a structural deficit that must be addressed through new revenue. Everyone has their own favorite solution to this, but the cigarette tax is one of the only proposals that could command a majority. These two votes today will show that there are enough votes to pass the tax. Unfortunately, they will also show we do not yet agree on where the revenue should go.

I am not sure what holding these two votes accomplishes. Do they make the compromise the Majority Leader asked for more likely? I hope for everyone watching today the conclusion from these two votes is that there are enough votes to raise the cigarette tax in the Senate. There is just a dispute on where to spend it. I hope the message is to return to the table and bring us a proposal that unites the chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

House Bill No. 4612

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

House Bill No. 4612

The motion prevailed.

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

The following bill was read a third time:

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The question being on the passage of the bill,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bill:

Senate Bill No. 1113, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

Senate Bill No. 1113

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 1113

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1113, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 418

Yeas—15

Basham
Bernero

Clark-Coleman
Clarke

Leland
Olshove

Scott
Switalski

Brater
Cherry

Emerson
Jacobs

Prusi
Schauer

Thomas

Nays—22

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus

Patterson
Sanborn
Sikkema
Stamas
Van Woerkom

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1113 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cassis’ statement is as follows:

This week there has been a lot of straight talk. Here is some more straight talk on the estate tax. There is no question the estate tax is a tax on a tax, on a tax, on a tax, on a tax, on a tax. It never ends, even from the grave. This tax would make it very difficult to hold families together, even though there is some small exemption, but that exemption is inadequate. It simply won’t do it.

Many seniors over the years have found Michigan more desirable to stay here and retire in. This legislation clearly defeats that purpose, and they will leave for more tax-friendly states.

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

The motion prevailed.

Senator Sanborn’s statement is as follows:

The past two and half years I have had the pleasure of having Paul Snyder work in my office. Paul has been a very dedicated employee and a hard worker. Paul is trying to become an attorney. He is supposed to become an attorney, and well—assuming that would do it. Paul hopes to become an attorney. He is studying the law now. He is in college and is going to be leaving this fine state and go to Arizona to go to work for a law office down there. I would ask that my colleagues here in the Michigan Senate congratulate Paul for the opportunity and thank him for the contributions he has made to the state of Michigan and the Michigan Senate.

On behalf of my office, I present him with the autographed seal from all the members of the Michigan State Senate.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled “Michigan gaming control and revenue act,” by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

(This bill was read a third time earlier today and consideration postponed. See p.1159.)

The question being on the passage of the bill,

The bill was defeated, 3/4 of the members serving not voting therefor, as follows:

Roll Call No. 419**Yeas—18**

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

Nays—19

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

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the bill was defeated.
The question being on the motion to reconsider,
Senator Hammerstrom moved that further consideration of the bill be postponed today.
The motion prevailed.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 1101, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 233 (MCL 436.1233).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Garcia as Chairperson.

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

Senate Bill No. 1101, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 233 (MCL 436.1233).

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2004."

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 1101

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

The following bill was read a third time:

Senate Bill No. 1101, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 233 (MCL 436.1233).

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 420

Yeas—15

Basham	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman	Johnson	Schauer	

Nays—22

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

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the bill was defeated.

The question being on the motion to reconsider,

Senator Hammerstrom moved that further consideration of the bill be postponed today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

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.

House Concurrent Resolution No. 61.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor.

House Concurrent Resolution No. 62.

A concurrent resolution to authorize the Department of Corrections to exceed the spending limits established under section 603 of 2003 PA 193 for special maintenance, remodeling, and renovations from existing operational accounts for the fiscal year ending September 30, 2004.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senator Birkholz offered the following resolution:

Senate Resolution No. 272.

A resolution to express support for the United States Supreme Court ruling that permits the inclusion of the phrase “under God” in the Pledge of Allegiance and to urge the court to maintain the constitutionality of the Pledge of Allegiance with this phrase.

Whereas, The United States Supreme Court has issued its ruling on a specific case that challenged the constitutionality of the use of the phrase “under God” in the Pledge of Allegiance. While the ruling in this instance involved the plaintiff not having legal standing to bring the suit, the result of the court’s action is that the Pledge of Allegiance remains intact, with the words “under God”; and

Whereas, The Supreme Court’s June 14, 2004, ruling included opinions by Justices Rehnquist, Thomas, and O’Connor that also directly addressed the “under God” phrase. These justices presented their opinions that this wording was constitutional. Their writings cited several notable instances in which our nation’s leaders have made references to the concept of God, including Lincoln’s Gettysburg Address. Others involved in the case made mention of references to God on our nation’s money and in documents that helped create our country, such as the Declaration of Independence; and

Whereas, It is imperative to remember the significant distinction between a reference to God and words or actions that would violate the First Amendment’s guarantee that government may not “establish” religion. The use of the phrase “under God” in the Pledge of Allegiance for the past 50 years clearly has not restricted the freedom of our citizens to choose to worship through any faith they wish to pursue or to choose not to follow any religious belief whatsoever; and

Whereas, With the likelihood that another case will ultimately come before the nation’s highest court to contest the constitutionality of the use of the phrase “under God” in the Pledge of Allegiance, it is appropriate for us to reaffirm our position on a matter of great concern to the people of our state and nation; now, therefore, be it

Resolved by the Senate, That we express support for the United States Supreme Court ruling that permits the inclusion of the phrase “under God” in the Pledge of Allegiance and to urge the court to maintain its commitment to the constitutionality of the Pledge of Allegiance with this wording; and be it further

Resolved, That copies of this resolution be transmitted to the United States Supreme Court.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Barcia, Bishop, Brown, Cropsey, Garcia, Gilbert, Goschka, Hardiman, Kuipers, McManus, Schauer and Van Woerkom were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Cropsey, Barcia, Hardiman and Patterson introduced

Senate Bill No. 1298, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending the title and sections 2, 19, 25h, 27, 41, and 46 (MCL 552.602, 552.619, 552.625h, 552.627, 552.641, and 552.646), the title and section 27 as amended by 2001 PA 106, sections 2 and 19 as amended by 2002 PA 572, section 25h as added by 2002 PA 565, and section 41 as amended by 2002 PA 568.

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

Senators Hardiman, Cropsey, Barcia and Patterson introduced

Senate Bill No. 1299, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 1, 2, 2a, 5, 5a, 7, 9, 11, 11b, 13, 17, 19, and 28 (MCL 552.501, 552.502, 552.502a, 552.505, 552.505a, 552.507, 552.509, 552.511, 552.511b, 552.513, 552.517, 552.519, and 552.528), sections 1 and 7 as amended by 1996 PA 144, sections 2, 2a, 5, 9, 11, 13, and 17 as amended and section 5a as added by 2002 PA 571, section 11b as added and section 19 as amended by 2002 PA 569, and section 28 as added by 1996 PA 365.

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

Senators Patterson, Cropsey, Barcia and Hardiman introduced

Senate Bill No. 1300, entitled

A bill to amend 1988 PA 199, entitled "Surrogate parenting act," by amending section 11 (MCL 722.861).

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

Senators Barcia, Cropsey, Hardiman and Patterson introduced

Senate Bill No. 1301, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2002 PA 564.

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

Senator Scott introduced

Senate Bill No. 1306, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 37a.

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

Senator Scott introduced

Senate Bill No. 1307, entitled

A bill to amend 1869 PA 12, entitled "An act to authorize and encourage the formation of corporations to establish rural cemeteries; to provide for the care and maintenance thereof; to provide for the revision and codification of the laws relating to cemeteries, mausoleums, crypts, vaults, crematoriums, and other means of disposing of the dead; to make an appropriation therefor; and to impose certain duties upon the department of commerce," by amending sections 7a and 15 (MCL 456.107a and 456.115).

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

Senators Jelinek and Johnson introduced

Senate Bill No. 1308, entitled

A bill to provide for the levy, collection, and administration of an excise tax on the privilege of using certain nonbiodegradable products; to provide for certain exemptions; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain tax proceeds.

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

Senators Allen and Gilbert introduced

Senate Bill No. 1309, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

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

House Bill No. 5328, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17757 and 17757a (MCL 333.17757 and 333.17757a), section 17757 as amended by 1986 PA 304 and section 17757a as amended by 1993 PA 305, and by adding section 17753.

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 Health Policy.

House Bill No. 5742, 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5743, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20513.

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

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

Statements

Senators McManus, Scott, Garcia and Cassis 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:

President Reagan once said, "Surround yourself with the best people you can find, delegate authority, and don't interfere." For the Michigan Republican Party and those of us lucky enough to have known and worked with Pat Carpio in the Upper Peninsula, we lost one of our best this week. Pat Carpio and his mother were taken in a very tragic car accident last Monday.

In this business, we meet countless people and call on many friends. But of those friends, there are often few who selflessly and tirelessly give of themselves to help you reach your own goals. Pat was one of those people. I'm not sure, personally, if I could have gotten through my 1998 congressional campaign without Pat Carpio. He was always willing to stay up all night if necessary. He always had sound counsel and had ready input to help me out of numerous situations that I can't mention.

As a Republican, Pat was one of the first people to call on when you crossed the bridge, the Mackinac Bridge. His hard work, long hours, and his vast knowledge of anyone and everything in the Upper Peninsula were just something that most candidates don't have. He helped elected officials, people running for office, and volunteers.

I've had the personal privilege of knowing Pat Carpio for over a decade. I remember first meeting him in 1993 when I was first elected after my primary. Well, there are many stories that have run through my mind in the last few days, several which I couldn't mention on the Senate floor. I think that I and the entire 1st Congressional District will always fondly remember the bus trips Pat Carpio organized to bring the Upper Peninsula Republicans to the Republican state conventions. This bus trip began at 6 a.m. in Dickinson County. For those of you who don't know where Dickinson County is, it's pretty far from here. And the party continued all the way across the bridge and all the way down the Lower Peninsula. The 1st Congressional District loved Pat Carpio. He was the glue that held us together.

Finally, in President Reagan's words once again, "In this springtime of hope, some lights seem eternal; America's is." And so is Pat Carpio's.

Senator Scott's statement is as follows:

The issue of insurance reform in Michigan and the dissatisfaction of citizens having to pay high insurance premiums has been a topic of debate of late not only in this chamber, but we read about it in newspapers and publications. We see it on the television, hear about it on the radio, and it is being discussed at community forums in our districts. I am thrilled to see this kind of attention on an issue that, as all of you know, is one very near and dear to me. This is exactly what we need in order to realize real reform and to make the necessary changes that will bring relief to ratepayers across this state.

I am happy to report that next week I will be bringing together representatives from all groups that have an interest in the insurance industry. It is my hope that we can sit around the table, and in good faith, reach an agreement on what changes are necessary that will bring equity and fairness into the rate setting process. That is all I am asking for. The citizens of Detroit and those in other parts of the state who are being forced to pay excessive rates deserve nothing less. I want to see true, meaningful insurance reform in this state and will continue to speak out until that happens.

Senator Garcia's statement is as follows:

I rise to talk about the discussion we had this morning regarding the budget. And, I guess, having been on the Appropriations Committee now for only two years, perhaps my frustration is due to my newness and inexperience. But I am very concerned about the road that we're going down here this year. We probably will pass a couple of tax increases, and there is no doubt that we, unfortunately, need to find the tax revenues to take care of the budget. But I'm afraid that the path that we're taking is not going to fix the problem. We're going to end up passing tax increases on the poor and less fortunate, and then we'll still have to cut many services that have seen many cuts over the last couple of years. And in the following year when we have to deal with this budget situation again, if Michigan's economy is not to the point where we can have enough growth to take care of the increased costs that we are going to face in 2005-2006, we're going to be right back here again trying to find some other tax increase and other budget cuts to deal with the problem.

I believe that as a body we need to take a longer view of this picture, and if we're going to fix this budget deficit problem, we ought to do it in a way that takes care of it once and for all. Then you say, "Well, then offer a solution." Well, I have or I'm in the process of doing so, and obviously, it's a point of discussion. We can all agree or disagree, whatever the case may be, as our Majority Leader said earlier. We each have opinions, and I value each member's opinion here.

But I'm very concerned about the state of our budget and what we're trying to try and fix it. I guess I rise primarily to make a point that what we are going to do is not going to be enough. Down the road a year from now when we're probably facing the same situation again, I guess I can say in my own mind that at least I raised the issue and raised the point some time ago.

I'm willing to sit down at the table and talk with anyone and find a compromise and work with others and offer solutions because I don't believe that any of us should present problems without offering solutions. So I say that in the spirit of cooperation and genuine interest in working with others, both parties. And like many of us—in fact, all of us—I'm sure we all have the best interest of the people of the state of Michigan in mind.

Senator Cassis' statement is as follows:

I would like to offer some tongue-in-cheek remarks about the cigarette tax increase bill that was before us earlier today. Our state has been greatly enriched over the years by the precious plant called tobacco. In all fairness, a monument to Sir Walker Raleigh will be in order. He made smoking fashionable.

On a more serious note, by selecting a certain group of people out of our population to tax again and again, you are pointedly and unabashedly discriminating against those taxpayers. Who are these smokers? They are our neighbors, our sisters, our brothers, our children, our wives, our husbands, and our mothers and fathers. They are genuine law-abiding citizens whose only shortcoming in life is that they are hooked on a habit which is a sickness, in one sense. Cigarette smoking does not distinguish with respect to gender, social status, race, age, or national origin. We cynically claim we are overtaxing them for their own sake, their own good. We are bestowing a benefit on them. Well, save my soul. We would be taxing this product more than its inherent value. What if all, or say a majority, of those smokers got healed by our tax medicine and the green stuff stopped coming in? Where would the state get the revenue that we so habitually covet, Madam Governor?

Which segment of the population do we want to heal next or to pick on next? Those who are addicted to going to church, sports, or Krispy Kreme donuts?

Look, I am not defending the habit of smoking. I do not smoke, nor does my husband, nor do my children. The habit of smoking is an illness like any other. It is treated by education, counseling, medical attention, and family care; not by the whip of high taxation. Singling out a certain group to tax is not fair, logical, or being honest with our purpose.

Smokers, wherever you are, gather together, storm Lake Lansing, and throw all the tobacco from aboard all those ships in protest. What was good for the Puritans with their tea surely should be good for you.

Committee Reports

The Committee on Commerce and Labor reported

House Bill No. 5243, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as added by 2003 PA 266.

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

Senate Bill No. 1285, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 252a.

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

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

Jason E. Allen

Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, June 15, 2004, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8901 and 8904 (MCL 324.8901 and 324.8904), section 8904 as amended by 1998 PA 15.

With the recommendation that the bill pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the part heading to part 802 and sections 80201, 80202, 80205, 80206, and 80222 (MCL 324.80201, 324.80202, 324.80205, 324.80206, and 324.80222), as added by 2000 PA 229.

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.

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1279, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

With the recommendation that the bill pass.

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

Patricia L. Birkholz

Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1281, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74124.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, June 15, 2004, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

House Concurrent Resolution No. 62.

A concurrent resolution to authorize the Department of Corrections to exceed the spending limits established under section 603 of 2003 PA 193 for special maintenance, remodeling, and renovations from existing operational accounts for the fiscal year ending September 30, 2004.

(For text of resolution, see Senate Journal No. 60, p. 1118.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 61.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

(For text of resolution, see Senate Journal No. 60, p. 1117.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 16, 2004, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Scheduled Meetings

Commerce and Labor - Tuesday, June 22, 3:00 p.m., Room 100, Farnum Building (373-2413)

Health Policy - Wednesday, June 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Judiciary - Tuesday, June 22, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs - Tuesday, June 22, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:24 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, June 22, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

