

**No. 4**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Thursday, January 27, 2005.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused  
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—excused  
Toy—present  
Van Woerkom—present

Pastor Robert Thurmond of Faith Community Church of Wyoming offered the following invocation:

Father, we thank You this morning for Your blessings. We pray, Father, that as the Senate meets this morning that You would give them wisdom, knowledge, and understanding. Give them favor, Lord, and I pray that You would guide their hearts and their decision making.

I would ask, Lord, that You would bless them and their families. I pray, God, that You would bless our President. Give his Cabinet wisdom also, Lord, and we just thank You for the privilege of being here today, Lord. We thank You for the opportunity to serve our people in this great nation and our freedom. We also pray for our troops, that You would bless them and their families, Lord, as they serve for our freedom and our liberties.

For we give You honor and glory and praise. In the name of our Lord and Savior, Jesus Christ, we pray. Amen.

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

### Motions and Communications

Senator Schauer moved that Senator Bernero be temporarily excused from today's session.  
The motion prevailed.

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

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

Senators Bernero and Cropsey entered the Senate Chamber.

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, January 26, and are available at the legislative Web site:

<b>Senate Bill Nos.</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>	<b>40</b>	<b>41</b>
	<b>42</b>	<b>43</b>	<b>44</b>	<b>45</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>50</b>	<b>51</b>	<b>52</b>	<b>53</b>	<b>54</b>	<b>55</b>
	<b>57</b>	<b>58</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>	<b>67</b>	<b>68</b>	<b>69</b>	<b>70</b>
	<b>71</b>	<b>72</b>	<b>73</b>	<b>74</b>	<b>75</b>	<b>76</b>	<b>77</b>	<b>78</b>	<b>79</b>	<b>80</b>	<b>81</b>	<b>82</b>	<b>83</b>	
<b>Senate Joint Resolution</b>	<b>A</b>													

### Messages from the Governor

The following messages from the Governor were received and read:

January 26, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905:

#### **Michigan Natural Resources Trust Fund Board**

Mr. Steven K. Hamp of 1520 Harding Road, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Steven Arwood, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2005.

Ms. Lana B. Pollack of 345 Sumac Lane, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding David Dempsey, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2007.

January 26, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18:

#### **Worker's Compensation Board of Magistrates**

Mr. Michael T. Harris of 4175 Indian Glen, Okemos, Michigan 48864, county of Ingham, succeeding Patrick J. MacLean, who has resigned, appointed for a term commencing February 10, 2005 and expiring January 26, 2006.

Mr. Timothy M. McAree of 6189 Archer, NE, Rockford, Michigan 49341, county of Kent, succeeding Kenneth Frankland, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Mr. Thomas G. Moher of 3338 Lakeshore Drive, Sault Ste. Marie, Michigan 49783, county of Chippewa, succeeding Michael D. Wagner, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Mr. Alexander T. Ornstein of 32614 Olde Franklin Drive, Farmington Hills, Michigan 48334, county of Oakland, succeeding Susan B. Cope, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Mr. Paul M. Purcell of 4470 Seidel, Saginaw, Michigan 48603, county of Saginaw, succeeding Kenneth Block, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Mr. Michael J. Thiele of 2287 Emeraldwood Trail, Flushing, Michigan 48433, county of Genesee, succeeding Nancy Day, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Ms. Joy A. Turner of 15355 Windmill Pointe Drive, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Molly Cooke, whose term has expired, appointed for a term commencing January 27, 2005 and expiring January 26, 2009.

Mr. George J. Quist of 3678 Oak Bluff, SE, Grand Rapids, Michigan 49546, county of Kent, reappointed for a term expiring January 26, 2009.

Mr. Andrew G. Sloss of 44066 Pentwater, Clinton Township, Michigan 48038, county of Macomb, reappointed for a term expiring January 26, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

Senator Johnson entered the Senate Chamber.

### Introduction and Referral of Bills

Senator Cropsey introduced

**Senate Bill No. 102, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Hammerstrom, Johnson, Sikkema, George, Kuipers, Stamas and Van Woerkom introduced

**Senate Bill No. 103, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109i. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Hammerstrom, Johnson, Sikkema, George, Kuipers, Stamas and Van Woerkom introduced

**Senate Bill No. 104, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 204 (MCL 330.1204), as amended by 1995 PA 290.

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

Senators Johnson, Hammerstrom, Sikkema, George, Kuipers, Stamas and Van Woerkom introduced

**Senate Bill No. 105, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as added by 1995 PA 290.

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

Senator Basham introduced

**Senate Bill No. 106, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

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

Senator Basham introduced

**Senate Bill No. 107, entitled**

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending the title and sections 35, 41, 42, and 43 (MCL 125.1035, 125.1041, 125.1042, and 125.1043), section 42 as amended by 1994 PA 365.

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

Senators Basham and Brater introduced

**Senate Bill No. 108, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 20 (MCL 125.1520), as amended by 1980 PA 371.

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

Senators Basham and Brater introduced

**Senate Bill No. 109, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 7, 16, 17, and 45 (MCL 125.2307, 125.2316, 125.2317, and 125.2345).

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

Senators Basham, Switalski, Thomas, Brater and Clarke introduced

**Senate Bill No. 110, entitled**

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), sections 1 and 2 as amended by 1988 PA 314 and section 4 as amended by 1992 PA 272.

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

Senator Thomas introduced

**Senate Bill No. 111, entitled**

A bill to regulate certain parking lots and provide for the posting of certain notices; to provide certain powers and duties for state agencies; to provide for rule-making authority; and to provide for remedies and penalties.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senator Thomas introduced

**Senate Bill No. 112, entitled**

A bill to create a child loan guarantee commission and its powers and duties; to create a child care loan guarantee fund; to prescribe the powers and duties for certain state agencies and officers; to prescribe limits on the use of the fund; and to make an appropriation.

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

### Statements

Senators Schauer and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schauer's statement is as follows:

I have before me two bluebacks that I will be introducing today after session. I would invite members to add their names as co-sponsors. So far, all members of the Senate Democratic Caucus have co-sponsored these bills. Not coincidentally, the same bills were introduced last session. A letter was signed by all members of the Democratic Caucus and presented to the chairman of the committee on insurance to request that these bills be taken up. If you haven't figured it out yet, they both deal with the Michigan Catastrophic Claims Association. The MCCA is not subject to the Open Meetings Act or the Freedom of Information Act.

This same body last year subjected your constituents and mine to a 27 percent increase in their MCCA assessment. This is a per vehicle assessment. Now interestingly, the chairman of the committee on insurance told me, and I believe said publicly, that we shouldn't do this and we shouldn't let the sun shine in on the process because it is actually going to result in an increase in this assessment.

Well, I don't understand that logic. I don't think that makes sense. I think we should all stand for scrutiny in this process. The MCCA was created by this Legislature. I believe that by allowing a basic level of public scrutiny—again, we created the Open Meetings Act; we created the Freedom of Information Act; previous legislatures did—we should welcome that open access to this process that results in an assessment or a tax, whatever we want to call it, on every vehicle owner in our state.

I invite you members of the Republican Caucus to add your names as well. I would urge and ask for timely consideration of these bills just to open up the process on a very important part of auto insurance in our state.

Senator Scott's statement is as follows:

Promises made, promises kept. I promised you that I would continue to talk about insurance until some bills were taken up where we could certainly discuss the insurances, what is going on in our communities. It is basically in the urban areas that we charge much more than we do in the suburban areas. I just think that everyone should be treated fairly, according to his or her own record. That's what I am trying to tell my colleagues, that we need to do something and do something soon in regards to insurance that deals with not only credit scoring—I would imagine that touches just about everybody—because somehow they find a way of using it even if you don't have bad credit, or if you have too much, they use that against you also. There's a group of people who according to their zip code where they live that we are making a difference.

If you don't wish for me to continue to stand here every day and keep my promise to you, then you will take up my insurance bills. I think that is what we need to do, and do it soon. I've been talking about it much too long. Something needs to be done and it needs to be done soon. I'm hoping that my colleagues, as we start our committees soon, that my bills will be taken up so that we can debate these issues for fairness for everyone.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

#### **Senate Bill No. 91**

The bill was referred to the Committee on Health Policy.

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, January 26, 2005, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Bernero

### **Scheduled Meetings**

#### **Appropriations -**

##### **Subcommittee -**

**Higher Education** - Tuesday, February 8, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

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

**Senior Citizens and Veterans Affairs** - Wednesday, February 2, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:17 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, February 1, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate