

No. 9
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, February 9, 2005.

10:00 a.m.

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

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

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

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Senator Micheal Prusi of the 38th District offered the following invocation:

We are endowed by our Creator with many gifts. We start each day asking for a renewal of these gifts. We ask for wisdom and strength, for compassion and guidance, even though we have already been blessed with them.

Perhaps rather than beginning our day by asking God for gifts we already have, we should begin by pledging to use these gifts in service to others. We should practice our faith, for faith without works is hollow. We can share our hope for a brighter future, for hope is a good thing that sustains us all when times are dark. We must offer up charity, for it is written that the hungry must be fed, the naked must be clothed, and the sick must be comforted. A charitable spirit will always be welcome in the house of God.

And the greatest gift is love, for it is the love of God and all His works that has sustained mankind through the centuries. Let us share our love with the family of man so that we may be worthy of God's gifts. Amen.

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

Motions and Communications

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

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

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

Senate Bill No. 92, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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 bill be referred to the Committee on Commerce and Labor. The motion prevailed.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

Board of Control for Eastern Michigan University

Mr. Thomas W. Sidlik of P.O. Box 7940, Ann Arbor, Michigan 48107, county of Washtenaw, to succeed Michael Morris, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

Mr. Roy E. Wilbanks of 6025 Vista Drive, Ypsilanti, Michigan 48197, county of Washtenaw, to succeed Rosalind E. Griffin, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

Board of Control for Oakland University

Ms. Jacqueline S. Long of 6858 Longworth, Waterford, Michigan 48329, county of Oakland, succeeding Dennis Muchmore, whose term has expired, representing the general public, for a term commencing December 16, 2004 and expiring August 11, 2012.

Mr. Henry Baskin of 1220 Trowbridge Road, Bloomfield Hills, Michigan 48034, county of Oakland, reappointed to represent the general public, for a term expiring August 11, 2012.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senators Brown, Garcia and Thomas entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 137, entitled

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710).

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. 1

Yeas—36

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

Nays—0

Excused—2

Brater	Olshove
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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 Barcia 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 a substitute therefor, the following bill:

Senate Bill No. 77, entitled

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

Substitute (S-1).

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

During the Committee of the Whole, Senator Brater 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 10:16 a.m.

10:21 a.m.

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

Board of Control for Eastern Michigan University

Mr. Thomas W. Sidlik of P.O. Box 7940, Ann Arbor, Michigan 48107, county of Washtenaw, to succeed Michael Morris, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 2

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

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

The motion prevailed.

Senator Goschka's statement is as follows:

I'll be speaking to the next four issues because we are talking about the advice and consent of various appointees to university boards. We, as a Higher Education Subcommittee, met with each of the appointees that the Governor has

made—two to Oakland University and two to Eastern Michigan University. We're taking up Eastern Michigan University's appointees first.

Mr. Sidlik came across as very creditable. I think, in particular, his expertise in financial matters is going to be very, very helpful not only to Eastern Michigan University, but I think to other schools that will be watching what he does and the expertise that he brings to the table.

I would strongly support confirming Thomas W. Sidlik to the board of Eastern Michigan University.

Board of Control for Eastern Michigan University

Mr. Roy E. Wilbanks of 6025 Vista Drive, Ypsilanti, Michigan 48197, county of Washtenaw, to succeed Rosalind E. Griffin, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 3

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

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

The motion prevailed.

Senator Goschka's statement is as follows:

The Higher Education Subcommittee met with Mr. Wilbanks. He particularly stood out because of his background as an educator. He's been connected with Eastern Michigan University for quite some years. He has also been a coach, and I think what he brings to the table again is a deep level of commitment to education.

I would very strongly encourage an affirmative vote to confirm Mr. Roy E. Wilbanks to the board of Eastern Michigan University.

Senator Cherry's statement is as follows:

I rise in support of the nomination of Roy E. Wilbanks to the Eastern Michigan University Board of Control. As former president and chief executive officer for the Eastern Michigan University Foundation and for his years of service to EMU and to the state, Roy Wilbanks has the commitment and experience for this post. Throughout his career, he has also received several awards and recognitions for his community involvement including EMU's John W. Porter Distinguished Service Award and a special tribute from the state of Michigan.

I urge members to support Roy Wilbanks nomination to Eastern Michigan University Board of Control.

Board of Control for Oakland University

Ms. Jacqueline S. Long of 6858 Longworth, Waterford, Michigan 48329, county of Oakland, succeeding Dennis Muchmore, whose term has expired, representing the general public, for a term commencing December 16, 2004 and expiring August 11, 2012.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 4

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

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

The motion prevailed.

Senator Goschka's statement is as follows:

Again, the committee also met with Jacqueline Long. She stood out particularly because she was not a traditional student. I think her addition to the board at Oakland University will be very beneficial in that she will give particular attention to the specific needs and concerns of students. She clearly demonstrated a passion for higher education, and she understood the importance of education in terms of employment, the job issue in Michigan, and the economy.

I'm very confident with Jacqueline Long, and I would move that we vote in the affirmative to concur with the Governor in her appointment of Jacqueline Long to the board of Oakland University.

Senator Cherry’s statement is as follows:

I also rise in support of the nomination of Jacqueline Long to the Board of Trustees at Oakland University. As a graduate of Oakland University, I’m especially pleased to see Jacqueline be nominated for this position. She has, in addition to the comments that the chair of the Higher Education Subcommittee made, Ms. Long’s commitment to Oakland County is proven by her work and her achievements. She holds a master’s degree in nursing from Wayne State University. In the decade since earning this distinction, Ms. Long has served as nursing supervisor and manager of outpatient clinics for the North Oakland Medical Centers and, most recently, as the director of program development at North Oakland Medical Centers.

Ms. Long is part of the fabric of northern Oakland County. Her nomination to the Board of Trustees at Oakland University acknowledges her contributions to the community. She will be a valuable member to the Oakland University board, and I ask that members support her.

Senator Olshove entered the Senate Chamber.

Board of Control for Oakland University

Mr. Henry Baskin of 1220 Trowbridge Road, Bloomfield Hills, Michigan 48034, county of Oakland, reappointed to represent the general public, for a term expiring August 11, 2012.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 5

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

The motion prevailed.

Senator Jacobs’ statement is as follows:

I rise in support of the nomination of Henry Baskin to the Board of Trustees of Oakland University. Henry Baskin’s life is a testimonial to his passion for the law and his commitment to justice and fairness for all Michigan citizens. He served as a member of the Michigan Judicial Tenure Commission from 1988-2005. He served as commissioner of the State Bar of Michigan and the Representative Assembly. He’s a former co-chair of the State Bar Judicial Qualifications

Committee. He's a recipient of the Lifetime Achievement Award of Family Law Section of the State Bar of Michigan; chair of the Domestic Violence Task Force, which generated legislation for victims of domestic abuse; a member of the Board of Trustees of Oakland University, governing board; and he holds an honorary doctorate from Central Michigan University.

His numerous professional activities attesting to his devotion to his profession include having been past president of the Oakland County Bar Association; panel chair of the Attorney Discipline Board; and chair of numerous distinguished judicial committees. He was also founder of the Mental Illness Research Association. He has worked tirelessly on behalf of Easter Seals, Muscular Dystrophy, the National Muscular Dystrophy Society, Children's Leukemia Foundation, and many other organizations.

Henry Baskin's passion for fairness and equality and his lifetime of dedication to those issues make him an outstanding choice for this appointment.

Senator Goschka's statement is as follows:

Once again, the committee did meet with Mr. Baskin. He is actually a reappointment. The Governor graciously, and I think wisely, has reappointed him to the board of Oakland University.

Henry Baskin does bring a breadth of experience and knowledge of higher education issues. He clearly has his finger on the pulse of higher education and understands the importance of firm leadership and guidance. He has offered that and will continue to do so.

I would strongly encourage this body to affirm Henry Baskin to a reappointment to the Oakland University Board of Control.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Brown, Hammerstrom, Jelinek and George introduced

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

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 Scott introduced

Senate Bill No. 176, entitled

A bill to regulate the money transmission services business; to require the licensing of persons engaged in providing money transmission services; to prescribe powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; 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 Banking and Financial Institutions.

Senator Scott introduced

Senate Bill No. 177, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending section 2 (MCL 487.2052), as amended by 2002 PA 390.

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

Senator Scott introduced

Senate Bill No. 178, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14p of chapter XVII (MCL 777.14p), as added by 2002 PA 29.

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

Senators Stamas, Switalski, Barcia, Bernero, Allen, Cherry, Thomas, Bishop, Garcia, Olshove, Clarke, Goschka and Cropsey introduced

Senate Bill No. 179, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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 Stamas introduced

Senate Bill No. 180, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 6 (MCL 38.1306), as amended by 1995 PA 272.

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

Senators Patterson, Sanborn, Gilbert, Cropsey and Allen introduced

Senate Bill No. 181, entitled

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

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

Senator Hammerstrom introduced

Senate Bill No. 182, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16351 and part 187A.

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

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

Last week, the chair of the Senate Committee on Banking and Financial Institutions held a hearing to discuss insurance-related matters. I appreciate his commitment to working on this important public policy issue. I’m encouraged by the chair’s suggestion of putting together a workgroup to take a close look at rates and how rates compare in various locations throughout the state. While not a member of the committee, the chair and the minority vice chair extended an invitation for me to join them and the other committee members during testimony. I initially declined, but then decided that I just could not pass up the opportunity. I did take my seat with the panel, and when given the chance, I spoke on the irony of statements made during testimony about how the industry wants to be treated fairly when it comes to paying business taxes—this, of course, in response to the Governor’s proposed tax restructuring plan.

Fairness—that is what I have been speaking about for months. I have been pleading for fairness and equity for the citizens of my district and every citizen of this state who must purchase automobile and homeowners insurance. I have stated it before and I will say it again, I’m ready for action. I believe that the time is now for the Legislature and the insurance industry to work together if we are truly interested in bringing fairness to all.

Committee Reports

The Committee on Judiciary reported

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. 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 Cropsy, Patterson, Schauer and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 170, entitled

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

With the recommendation that the bill pass.

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

Alan L. Cropsy
Chairperson

To Report Out:

Yeas: Senators Cropsy, Patterson, Schauer 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, February 8, 2005, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsy (C), Patterson, Schauer and Brater

Excused: Senators Bishop, Sanborn and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, February 3, 2005, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, February 3, 2005, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Stamas, Leland, Olshove and Clark-Coleman

Excused: Senator Sanborn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Tuesday, February 8, 2005, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Goschka (C), Hardiman, Cherry, and Prusi

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 8, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy and McManus

Excused: Senators Schauer and Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 10, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, February 10, 1:00 p.m. or later immediately following Joint Senate/House Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, February 10, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Appropriations, Joint Senate/House - Thursday, February 10, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Thursday, February 10, 9:00 a.m., Room 210, Farnum Building (373-2413)

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

Local, Urban and State Affairs - Thursday, February 10, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:45 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate

