

No. 38
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, May 3, 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—excused
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 Wayne Kuipers of the 30th District offered the following invocation:

Father, we are grateful for a new day, for a new week of work here in the Michigan Senate. We are grateful for the opportunities and the challenges that You place before each one of us. As we begin our session today, not only today but for this week, we ask that You would flood us with Your wisdom and Your grace so that the decisions we make here—decisions that we know impact not only each of us, but the larger citizenry of Michigan—that those decisions would be made in accordance with Your will and that Your grace and Your mercy and Your wisdom would flow through us to the residents of this state.

We are grateful for this springtime. We are grateful for the renewal of Your creation before us as we see the beauty of Your creation on display. We thank You for how this reminds us of Your grace. So as we proceed today and throughout this week and this season of year, we ask that You would continue to shower us with Your blessings and help us to be mindful that each blessing is a gift from You.

As we go from this place today, we ask that You would help us to shine like stars in this world. We pray these things in Jesus' name. Amen.

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

Motions and Communications

The following communication was received:

Department of Civil Service

April 26, 2005

Enclosed is the Fiscal Analysis Report for the Department of Civil Service for fiscal year 2004.

This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
James D. Farrell
State Personnel Director

The communication was referred to the Secretary for record.

The following communication was received:

Office of the Auditor General

April 28, 2005

Enclosed is a copy of the following audit report:

Performance audit of the Prisoner Intake Process, Department of Corrections.

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

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 2005 through March 31, 2005, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
Appropriations
Banking and Financial Institutions
Commerce and Labor
Economic Development, Small Business and Regulatory Reform
Education
Families and Human Services
Finance
Gaming and Casino Oversight
Government Operations
Health Policy
Judiciary

Chairperson

Senator Gerald Van Woerkom
Senator Shirley Johnson
Senator Michael Bishop
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bill Hardiman
Senator Nancy Cassis
Senator Jason Allen
Senator Ken Sikkema
Senator Beverly Hammerstrom
Senator Alan Cropsey

Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Technology and Energy
 Transportation

Senator Laura Toy
 Senator Patricia Birkholz
 Senator Laura Toy
 Senator Bruce Patterson
 Senator Judson Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 28:
House Bill Nos. 4118 4594 4595 4596

The Secretary announced that the following official bills were printed on Thursday, April 28, and are available at the legislative website:

Senate Bill Nos. 433 434 435 436 437
House Bill Nos. 4677 4678 4679 4680 4681 4682 4683

The Secretary announced that the following official bills were printed on Friday, April 29, and are available at the legislative website:

Senate Bill Nos. 438 439 440 441 442 443 444 445 446 447 448
House Bill Nos. 4684 4685 4686 4687 4688 4689 4690 4691 4692 4693 4694 4695 4696 4697
4698

Senators Jelinek, Cropsey, Brown, Toy, Bishop, Birkholz, George and Cassis entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received:

Date: April 28, 2005
 Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 235 (Public Act No. 10), being

An act to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2005; to implement the appropriations within the budgetary process; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

(Filed with the Secretary of State on April 28, 2005, at 9:58 a.m.)

Respectfully,
 Jennifer M. Granholm
 Governor

The following message from the Governor was received:

April 28, 2005

Today I have signed Enrolled House Bill 4308. This supplemental budget bill represents an integral part of the efforts to balance the fiscal year 2005 budget in a cooperative manner and I applaud the Legislature for its efforts.

This bill, along with Executive Order 2005-7 and Enrolled Senate Bill 235, balances the current year budget without raising taxes and creates employment opportunities for thousands of Michigan residents. I thank the Legislature for your work on these supplemental appropriations for fiscal year 2005.

Sincerely,
 Jennifer M. Granholm
 Governor

The following messages from the Governor were received and read:

April 29, 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 Executive Order 2003-18, MCL 445.2011:

Workers' Compensation Appellate Commission

Mr. Gregory A. Przybylo of 4281 Farm Meadows Court, Okemos, Michigan 48864, county of Ingham, succeeding Richard Leslie, who has resigned, appointed for a term commencing April 29, 2005 and expiring September 30, 2005.

Mr. Granner S. Ries of 41454 Lore Drive, Clinton Township, Michigan 48038, county of Macomb, succeeding William G. Reamon, Jr., who has resigned, appointed for a term commencing April 29, 2005 and expiring September 30, 2005.

May 2, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1968 PA 191, MCL 123.1002:

State Boundary Commission

Ms. Vicki L. Barnett of 29271 Glencastle Court, Farmington Hills, Michigan 48336, county of Oakland, succeeding Lloyd E. Walker, whose term has expired, representing the general public as a state member, for a term commencing May 2, 2005 and expiring November 15, 2006.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Senator Allen entered the Senate Chamber.

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

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

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. 195

Senate Bill No. 341

Senate Bill No. 342

Senate Bill No. 343

The motion prevailed.

Senators Barcia and Goschka entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

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. 94

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas

Brown
Cassis
Cherry

Hammerstrom
Hardiman

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—1

Clark-Coleman

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. 341, entitled

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 95

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

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
Toy
Van Woerkom

Nays—0

Excused—1

Clark-Coleman

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. 342, entitled

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

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. 96

Yeas—37

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

Nays—0

Excused—1

Clark-Coleman

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. 343, entitled

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 97

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer

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

Nays—0

Excused—1

Clark-Coleman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Bishop as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4065, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 73, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5505 (MCL 324.5505).

Substitute (S-2).

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.

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

Senate Bill No. 348, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4188, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4482, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

Substitute (S-2).

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.

Resolutions

Senate Resolution No. 25.

A resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Basham was named co-sponsor of the resolution.

Senate Concurrent Resolution No. 17.

A concurrent resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senators Jacobs, Bernero, Goschka, Garcia, Leland and Thomas introduced

Senate Bill No. 449, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 24 (MCL 205.24), as amended by 2003 PA 201.

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

Senators Jacobs, Thomas and Leland introduced

Senate Bill No. 450, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1111 and 1113 (MCL 436.2111 and 436.2113), section 1113 as amended by 2004 PA 134, and by adding section 1116; 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 Economic Development, Small Business and Regulatory Reform.

Senators Jacobs, Brater, Schauer and Leland introduced

Senate Bill No. 451, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 2 (MCL 15.232), as amended by 1996 PA 553.

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

Senators Jacobs, Brater, Schauer and Leland introduced

Senate Bill No. 452, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 2 (MCL 15.262), as amended by 2001 PA 38.

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

Senator Cassis introduced

Senate Bill No. 453, 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 bill was read a first and second time by title and referred to the Committee on Finance.

Senators Garcia, Goschka, Toy and Kuipers introduced

Senate Bill No. 454, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174 (MCL 750.174), as amended by 1998 PA 312.

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

Senators Garcia, Goschka and Kuipers introduced

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

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

Senators Sanborn, Gilbert, Olshove, Basham and Goschka introduced

Senate Bill No. 456, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

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

House Bill No. 4118, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318. 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 Education.

House Bill No. 4594, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

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 Education.

House Bill No. 4595, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

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 Education.

House Bill No. 4596, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

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 Education.

Statements

Senators Scott, Switalski, Bishop, Garcia and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Last evening's newscast on Channel 7 featured a story on the composition and purpose of the Michigan Catastrophic Claims Association, or the MCCA. The story detailed how for every car we own, we are required to pay an assessment that is set by the MCCA board in private meetings that are not open to the public. This assessment helps insurance companies pay for the unlimited personal injury protection benefits that are offered through Michigan's no-fault auto insurance coverage. Starting July 1, 2005, an assessment of \$141.70 will be charged for each car we own. This represents an increase from the \$127.24 assessment we paid per car in 2004.

The MCCA is a private, nonprofit association with a board that consists of five representatives from insurance companies who are appointed by the commissioner of the Office of Financial and Insurance Services. The commissioner serves as a nonvoting ex-officio member of the board.

The lifetime benefits that the MCCA covers for those who may be catastrophically injured in a car accident are valuable and provide a security blanket should anyone be faced with a lifetime of medical bills. However, the process in which the MCCA assessment is determined is flawed. Channel 7 reported how the MCCA is not open to the media or the public, unlike a government body which must provide access to information. The MCCA is allowed to operate behind closed doors because they are a private entity.

Senate Bill Nos. 152 and 153, introduced by my colleague from the 19th District, would subject the MCCA to FOIA, or the Freedom of Information Act, and the Open Meetings Act. There are similar bills in the House that also includes a change in the make-up of the board to include members of the public.

I believe it is time for this body to act on these important bills to bring accountability to the system. This would ensure an open process for a system that we are all paying into.

Senator Switalski's statement is as follows:

I just want to give you and the members in the chamber a gentle reminder that one week from today is actually Dutch treat day in the Senate, in which we honor the members of Dutch heritage and commemorate the birthday of Queen Beatrix of Holland, who is enjoying her 25th year on the throne this year. I believe that is her silver anniversary.

I know you need no reminder, but I thought I would give you the opportunity to get your workstations appropriately settled because we are going to have a visit from the Dutch consul who will address the Senate that day at the start of session. We will have plenty of treats for everyone, and for those who have for some reason questioned my Dutch heritage, I will have proof of my Dutch heritage on that day. So just a reminder to everyone to get the lemon Pledge out, shine up those wooden shoes, get the tulips on the desk, and be ready for a Dutch treat one week from today.

Senator Bishop's statement is as follows:

Mr. President, not too long ago you will recall and members will recall that we moved a bill in this chamber that would have addressed issues whereby jurisdictions of local governments shut down local roads at the expense of other communities. We created a remedy in this chamber, and it really took about four years for that legislative process to move forward. When the matter was brought to this chamber, we passed it unanimously. It moved out of committee unanimously, and it passed through this chamber unanimously. It moved over to the House and the House took several hearings on this subject and it passed the House one night at 11:00. They stayed in session until 11:00 in the evening to debate the issue. The reason why they stayed in the House to debate the issue was because it was such an important issue not just in my district, but in your districts.

One of the issues that was raised was not just having to do with convenience. If we see a road that is closed, it is inconvenient for us to drive on the congested roads to a different location to try and get around. It's more than that. It has to do with public safety and the welfare of families in the community. It has to do with the free flow of roads, the ability of emergency response to get to a location, and in this case, we made that argument. Throughout the process, many chastised that argument as somehow taking advantage of recent events like Columbine or 9/11, suggesting that we were somehow inflating that issue and using it as a tool to get the bill passed; that for some reason it wasn't a possible scenario.

The argument was made in good faith, and the reason why it was made in good faith is because many of our emergency response personnel, our county sheriff—Sheriff Bouchard—a number of local officials, including fire chiefs, came to me and said the road that is closed in my district was a significant concern because it was right next to a high school. So if they had to stage or give an event, there was no way they could do it because the closure of the road impeded their ability to conduct their official business.

As a legislator with that information dropped in my lap, I really have no option but to come forward to all of you and explain what is going on. Locals are not taking care of this issue, and I need your help; not only that, but this could happen in your district. All of you stepped up to the plate and so did the House. We sent that bill to the Governor's office, and for the first time, I heard an objection. It was the day of the veto. The bill was vetoed. I got back from the Governor a veto letter that said basically this is a local issue, not much of a state issue. I disagreed with that then and I disagree with that now.

I want to report to all of you that the worse-case scenario did happen in my district. The other night, we had a gas main break. If you had been in the Oakland County area, you would have heard it no matter where you were at. Citizens panicked. They didn't know what it was. It was in northern Oakland County in Orion Township in my district. I got in my car and watched the people move about with a panicked look on their faces. I actually went to the location where the barricade was because I knew it was going to be an issue and people couldn't get through. They had to go all the way around because, of all places, the location—as the sheriff indicated it would be—of the evacuation was Adams High School. People came rushing down the one road to go to the next road, the most convenient direct route to Adams High School, the evacuation location, and they couldn't get through because that road was barricaded.

This can happen; it did happen, and fortunately, there were no injuries as a result of all this. I think this is a grim reminder that when the Legislature brings forward issues that it deems important in this state as good public policy, the Governor should take that information and that advice to heart and not suggest that the issue brought forward—especially by both chambers—was not really an important issue. This was an important issue. I'm going to reintroduce the bill, and I hope that you will give it your consideration again as you did before—your due consideration—because it is important. I only hope that this does not happen in the future and in the future that it does not cause any injury.

Senator Garcia's statement is as follows:

I also rise to introduce a special guest which will be part of my statement. In the east Gallery is a lady by the name of Christina Finn. She's the founder of the Patriotic Pillow Project from Oak Lawn, Illinois—a little bit more about that in a moment. She, I believe, is also here with her son Shawn who is a student at Moraine Valley studying computer science. If they would please stand up and we can recognize them.

The reason they are here and the reason I recognize them is because Ms. Finn is part of a project known as the Patriotic Pillow Project, which is a project that is worked on on behalf of wounded veterans. What I would like to do is read a very brief tribute that recognizes her work. I will talk a little bit more about it.

It says, "That it is with great pleasure that we join in offering praise and tribute to Christina Finn for her hard work and dedication to developing the Patriotic Pillow Project. This honor recognizes an individual who has done a great deal on behalf of wounded veterans throughout the country.

The Patriotic Pillow Project or "Operation Comfort" is a not-for-profit national community service project that collects and distributes patriotic pillows along with heartfelt greeting cards to disabled veterans throughout the nation. The pillow cases are handmade to show our nation's veterans how much their courage and willingness to defend our freedom is appreciated. The quilted pillow cases are created by volunteers and are designed to resemble the American flag. To date, over 1,000 pillows have been sent to military hospitals across the country.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to Christina Finn for her tireless work with the Patriotic Pillow Project and to recognize her heartfelt commitment to our country's heroes."

Signed by myself and the Governor of Michigan Jennifer Granholm.

For those who are interested in seeing this Patriotic Pillow Project, you can go to Room 53 of the Capitol and there will be a display there of these pillows. I hope that everyone will get a chance to stop by and see what Americans are doing around the country to help our wounded veterans.

Senator Johnson's statement is as follows:

I just wanted to reiterate, if I might, some of the comments made by the Senator from the 12th District in Oakland County. For those of us, on Sunday night at approximately 10:15, thinking at first that the roar that was outside of our home was airplanes that were being stalled from landing at the metropolitan airport, not knowing what in the world was happening, was an incredibly frightening and awesome experience.

We had absolutely no information through the media immediately. The media knew not what was going on for some time. There was this constant, unbelievable roar above the house. I went out to see what in the world was happening and honestly believing that a 747—I'd find one just a few feet above the roof of the house. It was literally that bad. When turning on the news and finally getting some news from the metropolitan media, it was pandemonium, and there were people literally trapped on Adams Road because the road wasn't available for them to get out of that absolutely,

hysterical situation. People thought there were tornados and were running helter-skelter. People were trying to get to the noise and away from the noise, and it was an incredible situation.

My thought afterwards and reading about it in the newspaper the next day, good God, here we all are trying to prepare ourselves for the worse-case scenario should this country be attacked again, and we couldn't even handle a 26-inch gas pipe eruption appropriately because our road was closed.

Committee Reports

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 354, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 14.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 355, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 23 (MCL 325.1023).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 356, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397, and by adding section 5309a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 419, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment

clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 460.6), as amended by 1993 PA 355.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 298, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1062 (MCL 450.2062), as amended by 1997 PA 118.

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

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, April 27, 2005, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Education reported

Senate Bill No. 327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

Senate Bill No. 196, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, and 1233 (MCL 380.1230, 380.1230a, and 380.1233), section 1230 as amended by 1993 PA 284, section 1230a as added by 1995 PA 83, and section 1233 as amended by 2000 PA 288.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, April 28, 2005, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 2, entitled

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Thomas

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 Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, April 28, 2005, at 8:30 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, April 28, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Thursday, April 28, 2005, at 11:00 a.m., Room 405, Capitol Building

Present: Senators George (C), McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, April 28, 2005, at 12:00 noon, Radisson Hotel, Regency Room, 111 N. Grand Avenue, Lansing

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

Excused: Senators Sanborn, Stamas and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
Meeting held on Thursday, April 28, 2005, at 12:30 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:
Meeting held on Thursday, April 28, 2005, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:
Public hearing held on Friday, April 29, 2005, at 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Music Room, 4901 Evergreen Road, Dearborn
Present: Senators Goschka (C) and Cherry
Excused: Senators Johnson, Hardiman and Prusi

Scheduled Meetings

Appropriations - Wednesday, May 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture - Thursday, May 5, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Commerce, Labor and Economic Development - Wednesday, May 4, 3:00 p.m., Room 110, Farnum Building (373-2420)

Community Colleges - Wednesday, May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Thursday, May 5, 1:00 p.m., Room 810, Farnum Building; Tuesday, May 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; Thursdays, May 12, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, May 10, May 17, May 24 and May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Family Independence Agency - Wednesday, May 4, 8:30 a.m., Room 210 and 11:00 a.m., Room 110, Farnum Building (373-1801)

Higher Education - Fridays, May 6, 10:00 a.m., Grand Valley State University, Kirkhof Center, 2nd Floor, Pere Marquette Room, 1 Campus Drive, Allendale; May 13, 10:00 a.m., Northwood University, NADA Education Center, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street at Summit Street, Ypsilanti (373-1760)

K-12, School Aid, Education - Thursdays, May 5, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 12, 1:30 p.m., and May 19, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, May 4, May 11, May 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Wednesday, May 4, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Banking and Financial Institutions - Thursday, May 5, 12:00 noon, Room 100, Farnum Building (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, May 4, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, May 4, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, May 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Thursday, May 5, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senior Citizens and Veterans Affairs - Wednesday, May 4, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, May 4, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 4, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate