

No. 96  
STATE OF MICHIGAN  
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Senate Chamber, Lansing, Thursday, October 27, 2005.

10:00 a.m.

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

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

Reverend Richard J. Elmer of Congregation of St. Basil of Novi offered the following invocation:

O Lord, our God, You once said, "Where two or three are gathered together in my name, there am I in the midst of them." In keeping with the intent of the Founding Fathers of our great nation, we are gathered in Your name today.

Please bless this assembly of the leaders of the state of Michigan. Please give our Senators the wisdom to make right decisions, the courage to stand up for their convictions, and the love to act always according to Your will and the benefit of the citizens of this great state.

And, Lord, in the consideration of the time-consuming efforts of our Senators at work, please bless their loved ones, both living and deceased. Lord, we also pray today for those people in the world who are victims of the ravages of war and the wrath of nature.

We ask all of this in union with Your Son and the Holy Spirit, one God, forever and ever. Amen.

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

### Motions and Communications

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

Senators Johnson, Leland, Garcia, Kuipers, Brater and Clarke entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 26:

**House Bill Nos. 4606 5245 5247 5248**

The Secretary announced that the following official bills were printed on Wednesday, October 26, and are available at the legislative website:

**Senate Bill Nos. 837 838 839 840 841 842 843 844**

**House Bill Nos. 5352 5353 5354 5355 5356 5357 5358 5359 5360 5361 5362 5363 5364 5365**

By unanimous consent the Senate proceeded to the order of

### Messages from the House

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

The motion prevailed.

### Senate Bill No. 365, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," by amending section 1 (MCL 19.131), as amended by 1999 PA 11.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 6, after "AUSTIN" by striking out "DEPARTMENT OF STATE".

The House of Representatives has passed the bill as amended.

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

### Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

(For text of amendment, see Senate Journal No. 89, p. 1794.)

The question being on concurring in the amendment made to the bill by the House,

The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 535****Yeas—37**

Allen	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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0****Excused—1**

Barcia

**Not Voting—0**

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Barcia entered the Senate Chamber.

**Senate Bill No. 134, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 536****Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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—0**

**Not Voting—1**

Emerson

In The Chair: Sanborn

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today's session. The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of  
**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. 764**  
**Senate Bill No. 747**  
**House Bill No. 5148**  
**House Bill No. 5149**  
**House Bill No. 4729**  
**Senate Bill No. 654**  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 764, entitled**

A bill to establish a monument to honor citizens of this state who have received the purple heart medal. 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. 537**

**Yeas—37**

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

Emerson

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 747, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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. 538**

**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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5148, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11511b.

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. 539**

**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: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5149, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11701, 11702, and 11715b (MCL 324.11701, 324.11702, and 324.11715b), sections 11701 and 11702 as amended and section 11715b as added by 2004 PA 381.

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. 540**

**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: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4729, entitled**

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 4 (MCL 15.324).

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. 541**

**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—1**

Clark-Coleman

**Excused—0**

**Not Voting—0**

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 654, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

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. 542**

**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: Sanborn

The Senate agreed to the title of the bill.

Senator Clark-Coleman stated that she had intended to vote “yea” on the passage of the following bill:  
**House Bill No. 4729**



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

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Brater as Chairperson.

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

**House Bill No. 4726, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1177a. 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.

### **Resolutions**

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

**Senate Concurrent Resolution No. 28**

The motion prevailed.

Senators McManus, Jelinek, Brown and Cropsey offered the following resolution:

**Senate Resolution No. 83.**

A resolution to urge the Governor to seek agreements with local governments to house county jail inmates in the Baldwin Youth Correctional Facility.

Whereas, The Governor's veto of appropriated funds to operate the Baldwin Youth Correctional Facility in Lake County abandons a much-needed facility that is crucial to the health of Lake County and which could still serve a valuable statewide function; and

Whereas, Closing the Baldwin Youth Correctional Facility reneges on a state commitment to the Lake County community. When the state of Michigan asked for the support and cooperation of the community to locate a youth prison facility in Lake County, the people of this county responded admirably. Baldwin and Lake County sold bonds to support water and sewer improvements that the state required, and this debt will remain even if the state leaves the facility unused. Indeed, the example of a local community being left with such debt may well reverberate around the state as other local communities think twice about taking on expenses and debt to encourage job creation in their communities; and

Whereas, The people of Lake County will suffer a great deal from this decision by the Governor. The local community's tax base will be reduced by a quarter, and \$9 million in annual wages will be lost. With an already high unemployment rate in excess of 13 percent, the closing of the Baldwin facility, which is the largest employer in Lake County, will nearly double the unemployment rate. It is unconscionable to take away jobs from one community even as we seek jobs in other communities through ambitious and unprecedented economic development proposals; and

Whereas, Eliminating 500 prison beds when communities across the state are faced with overcrowded county jail facilities is extremely inefficient. County facilities must frequently release inmates early to avoid overcrowding. Amazingly, we are abandoning a state facility that could house inmates so that they may serve the full jail sentences that our courts imposed. Our Governor should retain a valuable state asset by seeking agreements with local governments to house county jail inmates in the Baldwin Youth Correctional Facility. By doing this, we will keep faith with a local community whose people will otherwise pay the price of being abandoned by the state. In addition, we would support local governments around the state who otherwise could not house jail inmates for their full sentences; now, therefore, be it

Resolved by the Senate, That we urge the Governor to seek agreements with local governments to house county jail inmates in the Baldwin Youth Correctional Facility; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Jennifer M. Granholm.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

**Senate Concurrent Resolution No. 15.**

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

(For text of resolution, see Senate Journal No. 27, p. 347.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Scott, McManus, Brown, Cropsey, Basham, Schauer, Garcia and Jacobs 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:

Here's a story from my website: "I lived in Kansas all my life until 2000 and moved to Michigan. Kansas has a high cost for renewing tags every year because it's based on property tax or value of the vehicle. I was excited when I moved up here and only paid \$79 for my Michigan tag. That excitement was short-lived once I switched from Kansas to Michigan insurance. I went from paying \$480 every six months for full coverage to \$1,700 every six months for the same exact thing. I had a '95 Chrysler convertible. What do you do, though? You need insurance to drive and you have to drive to survive and support your family." That was from Rockford, Michigan.

The next one: "For a number of years, I have felt that the way to reduce the cost of auto insurance would be to charge it by the number of miles driven. You could pay for \$10,000 and write down your mileage. When you approach your limit, you renew. This would reduce the cost to seniors and retired people. If people get caught cheating or not renewing, then in addition to a fine equivalent to double or triple what they should have paid, then they would also have their license suspended. This system is used in Europe. Perhaps you could share this with the Governor." This is from South Haven, Michigan, and since there is an insurance meeting today, maybe the chair or those on that committee might use some of that.

Also I received a little excerpt from *The New York Times*. This says, "Wal-Mart's Memo Suggests Ways to Cut Employee Benefit Costs." You know, we spent a lot of time yesterday discussing Wal-Mart. Let me just read a couple of the things on this. "An internal memo sent to Wal-Mart's board of directors and proposes numerous ways to hold down spending on health care and other benefits while seeking to minimize damage to the retailer's reputation. Among the recommendations are hiring more part-time workers and discouraging unhealthy people from working at Wal-Mart.

In a memorandum, M. Susan Chambers, Wal-Mart's executive vice president for benefits, also recommended reducing 401(k) contributions and wooing younger, and presumably healthier, workers by offering education benefits. The memo voices concerns that workers with seven years' seniority earn more than workers with one year's seniority, but are no more productive.

To discourage unhealthy job applicants, Ms. Chambers suggests that Wal-Mart arrange for all jobs to include some physical activity (e.g., all cashiers do some cart-gathering)."

There's more, but since my time is up, you get the picture. Wal-Mart is at it again—what they do best.

Senator McManus' statement is as follows:

I turned in a resolution today, Senate Resolution No. 83, which was referred to the Senate Appropriations Committee. I just wanted to give a brief explanation of that resolution to my colleagues here in the Senate Chamber.

This resolution calls on the Governor to use the Lake County prison facility to house county jail inmates. We know county jails in Michigan are experiencing severe overcrowding. The issue even came up in debate earlier this week when one of my Senate colleagues spoke of the major problems in Macomb and Oakland counties with regards to overcrowding.

I believe by repurposing the Baldwin facility in this way, we can accomplish really three things. We can keep the faith with a local community whose people will otherwise pay the price of being abandoned by the state. We can show our support of local governments around the state who otherwise could not house jail inmates for their full sentencing, and we will put to good use a state-of-the-art facility which would've otherwise sat empty.

Senator Brown's statement is as follows:

I rise with an equal concern, reluctantly, because I thought the legislation we passed yesterday spoke for itself. But in reading the Governor's official website late, late last night or early in the morning—and this is the official state of

Michigan website that is under the banner of the slogan “Jobs Today, Jobs Tomorrow”—the Governor refers to the legislation that we passed yesterday, Senate Bill No. 175, talking about a bipartisan agreement that we had. Let me just be clear. There was no bipartisan agreement. There was a suggestion maybe to have a bipartisan agreement, but there was no agreement. The bill, as we voted on it, essentially was the bill that was introduced for a very broad application. When the house is on fire, it does a little good to use a fire extinguisher. You need the hook and ladder and the full trucks.

There was also a comment in the Governor’s statement about we voted against 400 jobs in Constantine. On the contrary, we voted for the possibility of 400 jobs in Constantine, 400 jobs in Adrian, 400 jobs in Coldwater, 400 jobs in Kalamazoo, and on and on throughout the state. We can micromanage local governments and say that you can have this job, but not that job, and we certainly can’t wait for the Governor’s approval on what jobs we can or can’t have. We really need to give that option to our locals.

And so, Mr. President, I do take real objection to this statement that’s printed on the Governor’s official website because it is misleading just on its face value, and it doesn’t speak to the truth of what has happened here in the last 24 hours. So to the general public statewide, I would say there is a different story and I’m trying to speak to that as well as some of my other members.

Senator Cropsey’s statement is as follows:

Sometimes some of the things that happen around here are absolutely appalling. The front office, the leadership of this state, is so lacking in vision it’s amazing. When I take a look at the legislation that we worked on yesterday trying to bring jobs into this state, the Governor of this state comes right back and says it’s all politics.

Governor, I’ve got an Electrolux leaving my district. I’ve got Hitachi who’s moved out of my district, and we’re looking to bring jobs into my district, and you go out and blame Wal-Mart. We have Delphi going bankrupt and you blame Delphi. Governor, take some responsibility and start some leadership. I’m sick and tired of this Governor out there saying that nobody’s responsible in her administration for anything. They’re certainly not responsible for jobs leaving.

Well, Governor, why don’t you start to attract some jobs to this state. Why don’t you start getting onboard. Together we can do better instead of you just throwing out political bombshells, one right after another. I’ve got people in my district who are going to be out of work and we’re looking for jobs. And, Governor, what you’ve put out in your press releases is absolutely abhorrent and it’s sickening.

Governor, would you please, if you aren’t going to lead, let somebody else do it.

Senator Basham’s statement is as follows:

Just a point of order, Mr. President. Senate Bill No. 175 is sitting at the rostrum. The Republican majority could send that piece of legislation to the Governor today if they wanted to. All we’ve got to do is act, but I sit here day in and day out and listen to the other side of the aisle continually blasting the Governor. If you want to blast someone, they really should take a look at the President of the country because there’s every indication that the President of the country is not leading this nation in the right direction. Everyone knows full well that the state of Michigan is tied to manufacturing or a manufacturing base, and we had a chance to pass the Governor’s tax package that actually would give relief to Michigan’s manufacturers over eight months ago. The Republican majority chose not to act on that.

So you choose not to act and work with the Governor on one group of bills. Then you push an agenda that’s less than acceptable to move manufacturing in this state, and then you say that the Governor has no jobs package. Quite frankly, you’re saying one thing and you’re doing something else, but every day under Statements, my colleagues will stand and talk about how the Governor is not creating jobs. This Legislature, both the House and the Senate, should actually sit down and work with the Governor and maybe we would create a few more extra jobs in the state of Michigan.

The package yesterday ended up being a lot of debate because it was a substitute bill that, quite frankly, I thought we had an agreement on, that was slipped in and expanded those tax incentives for that distribution center from 15 miles from a border to across the entire state of Michigan. Again, you say one thing; you do something else.

So, unfortunately, it sounds like the tone of this body is getting into a pre-election tone and not working with each other across the aisle and not working with Governor of this great state of Michigan.

Senator Schauer’s statement is as follows:

I, for one, am glad to hear this outrage that’s being expressed on the other side the aisle. I think it’s certainly revealing of what’s going on here in this chamber and in this Capitol. Based on what I read this morning about where the Speaker is standing on the securitization issue, certainly, it’s a bait and switch or it’s irrational and inconsistent economic and tax and fiscal policy and certainly is leaving me very confused about where the other side of the aisle stands in terms of creating jobs.

I do want to say something. It is kind of interesting that the speaker from the 16th District, the sponsor of Senate Bill No. 175, claims that there was no agreement, and I won’t question his understanding of that, but I’m a little confused about that because substitute (S-1) was his substitute. Governor Granholm certainly can’t submit a substitute or an amendment here in this chamber. It wasn’t mine or it wasn’t a member from this side of the aisle who put in the (S-1) that was very narrow and very specific. I spoke to that yesterday, and as I was kind of reading it at this rostrum

yesterday, it talked about a village within 15 miles of the state border for a facility; a particular kind of warehousing and distribution facility of at least 450,000 square feet or more. I didn't write that. Was that another drafting error? I heard that excuse from the other side of the Capitol.

The point is that this Governor supports creating jobs. She has worked very hard with members of both sides of the aisle. A couple of examples come to mind: the Senator from the 35th District came to a committee that I serve on, the Senate Commerce and Labor, requesting emergency relief for a company—I believe it's Hayes Lemmerz—to save jobs. We amended the MEGA act very quickly. The MEDC was onboard. That member was very pleased about that action, and we saved, I believe, on the order of 350 jobs in Cadillac—very targeted, very specific, very focused tax relief resulting in jobs. Another one just recently was in Delta Township and that was at the request of the Representative from that district.

I think it's interesting. You know, we've heard time and time again from the other side of the aisle that the Governor isn't leading. Well, she's making her position clear on the issues brought up, and the other side just doesn't like what she's saying and the stand that she's taking. It kind of reminds me of lines of President Harry S. Truman when he used to say, when people said to him, "Give 'em hell, Harry," in response, President Truman used to say, "I'm not giving them hell. I'm telling the truth and they just think it's hell."

Senator Garcia's statement is as follows:

I, too, rise to respond to something that was said earlier, and I just want to put a little perspective on this. As I understand it, we all have come here to try and do good things, and we all want jobs for our state. We want people working. We sometimes disagree on how to do that, but I will point out that this past summer, I attended a Reserve national security course and part of the class that was given to us had to do with the economy and how important the economy was to the strategic goodness or implications for our nation and that around the world. The speaker was going on and on and on about how great the economy was and how everyone was doing well and how the economy was growing so fast and jobs were being produced all around the country. I just sat there in disbelief because, evidently, he hadn't been to Michigan.

Afterward, I went backstage and I talked to him and I said, "When was the last time you've been to Michigan?" He said, "Well, we used to own a cabin there when I was a kid." I said, "Well, you need to come back to Michigan because we are not doing well. The rest of the country might be doing well, but we are not."

My point in all of this is saying it's obvious that we recognize that Michigan is suffering right now, but it's not because of the President. I'm here to say that I agree with the speaker who said earlier that we need to work together, and we should not discriminate against certain jobs just because we don't like them. A job is a job. It's going to give someone an opportunity to feed their family. I'm just a little surprised that this administration—the tact they take sometimes—because I would think that they would want more jobs here. Maybe it's just that they want certain jobs—I'm not sure. The rest of the country is doing well. The Midwest is doing well, except for Michigan, and we need to work together to bring all kinds of jobs here to Michigan.

Senator Jacobs' statement is as follows:

I am so frustrated listening to this rhetoric day in and day out. I want to remind folks that the Governor is not "your" Governor, as we've been told; she is "our" Governor; that more than a majority of the people in the state of Michigan went to the polls and voted for her because they liked her economic ideas; because they wanted to give her a chance to change Michigan, to make Michigan a better place.

You know, for 15 years, we have been under Republican leadership—15 years, you guys have had the control—so to turn this around and say this is our fault, is really disingenuous, and I would like to make a comment. Former Governor Engler left this state in a mess and then left this state and took his kids and he moved out—put a sign up—for sale. So even he didn't like the legacy that he was leaving. I think we definitely need to keep that in mind as we keep this debate going on.

Another point also is that unemployment is going down in Michigan. We are moving forward, so if we really want to be honest about what's good for people in Michigan, let us not disenfranchise the millions of people who voted for this Governor who want to give her a chance. Why don't we all put aside this partisan rhetoric that we keep hearing day in and day out and roll up our sleeves and get to work?

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators George, Johnson, Toy, Cropsey, Jelinek, Kuipers, McManus, Hardiman, Van Woerkom, Gilbert, Brown, Cassis, Patterson, Birkholz, Sikkema, Sanborn, Bishop, Stamas, Allen, Goschka, Garcia and Hammerstrom introduced **Senate Bill No. 848, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3426. The bill was read a first and second time by title and referred to the Committee on Health Policy.

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

**Senate Bill No. 849, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 414b.

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

Senators Birkholz, Patterson, Sikkema, Van Woerkom, Gilbert, Brown, Allen, George and Garcia introduced

**Senate Bill No. 850, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103, 32701, 32702, and 32713 (MCL 324.30103, 324.32701, 324.32702, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59, and section 32701 as amended by 2003 PA 148, and by adding sections 32721, 32722, 32723, 32724, and 32725; 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 Natural Resources and Environmental Affairs.

Senators Patterson, Birkholz, Sikkema, Van Woerkom, Gilbert, Brown, Allen, George and Garcia introduced

**Senate Bill No. 851, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32803 (MCL 324.32803), s as added by 2003 PA 148.

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

Senators Van Woerkom, Birkholz, Sikkema, Patterson, Gilbert, Brown, Allen, George and Garcia introduced

**Senate Bill No. 852, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705, 32707, and 32708 (MCL 324.32705, 324.32707, and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

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. 4606, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

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. 5245, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445).

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. 5247, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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. 5248, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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.

### Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 778, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

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

**House Bill No. 4860, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 32.

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 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, October 25, 2005, at 3:50 p.m., Room 110, Farnum Building

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

### Scheduled Meetings

#### Appropriations -

##### Subcommittee -

**Higher Education** - Wednesday, November 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

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

**Michigan Capitol Committee** - Tuesdays, November 8 (CANCELED) and November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

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

**Transportation** - Tuesday, November 1, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:00 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, November 1, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

