

**No. 42**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Wednesday, May 11, 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—excused  
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—excused  
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

Pastor Warren G. Hood of Living Word Fellowship of New Haven offered the following invocation:

Over in 2 Samuel 23:3-4, it says, "The God of Israel said, The Rock of Israel spoke to me: 'He who ruleth over men must be just, ruling in the fear of God. And He shall be as the light of the morning when the sun rises, even a morning without clouds and as the tender grass springing out of the earth, by clear shining after rain.'"

Heavenly Father, we come before You right now on behalf of all of the Senators here. Your Word declares that I exhort, therefore, that, first of all, prayer, supplication, and intercession and giving of thanks be made for all men. For kings and for governors and for all of those who are in authority that we might live a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in Your sight.

Father, we thank You today that the heart of our leaders are in Your hands and is reverence of whatever You can turn them with or so ever You will. We pray, Father God, that the decisions they make here today would be the decisions that would bring glory and honor to You; that they would stand for the things that You are for; that they would stand against the things that You are against; that, Father God, their families would be blessed; and that the next generation would be blessed in Michigan.

We ask, Father God, that You would put a hedge of protection around each and every one of them; that You would guide and direct their minds and their hearts; and that, Father God, it would be joy in serving You. We thank You for them today; and then, Father God, we would ask that You would bless them, that You would watch over them, that You would keep them strong physically, and that You would give them courage. Guide them in Jesus' name. 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 Schauer moved that Senators Emerson and Thomas be temporarily excused from today's session. The motion prevailed.

Senators Emerson and Thomas entered the Senate Chamber.

Senator Hammerstrom moved that Senators Birkholz and Kuipers be excused from today's session. The motion prevailed.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 358**

**Senate Bill No. 359**

**Senate Bill No. 416**

**Senate Bill No. 249**

**Senate Bill No. 463**

**Senate Bill No. 464**

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 10:  
**House Bill Nos. 4602 4623 4702 4703**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 10, for her approval the following bill:

**Enrolled Senate Bill No. 199 at 9:30 a.m.**

### Messages from the House

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

**Senate Bill No. 332**

The motion prevailed.

**Senate Bill No. 69, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Third Reading of Bills**

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

**Senate Bill No. 339**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 339, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 13e.

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. 119**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Birkholz	Kuipers
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**Not Voting—0**

In The Chair: Sanborn

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 Assistant President pro tempore, Senator Sanborn, designated Senator Basham 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 without amendment, the following bills:

**House Bill No. 4272, entitled**

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," by amending section 1 (MCL 35.381), as amended by 1988 PA 263.

**House Bill No. 4273, entitled**

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," (MCL 35.381 to 35.833) by adding section 1a.

**House Bill No. 4225, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2001 PA 65.

**Senate Bill No. 399, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 13538 and 13833.

**House Bill No. 4454, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9311 (MCL 440.9311), as amended by 2001 PA 145.

**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 bills were 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. 438, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

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. 4434, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752) and by adding section 17753.

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:  
**Senate Bill No. 352, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, 17752, and 17763 (MCL 333.17708, 333.17751, 333.17752, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536, and by adding section 17753.

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. 4405, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

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:  
**Senate Bill No. 302, entitled**

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

Substitute (S-1).

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

1. Amend page 3, following line 15, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 303 of the 93rd Legislature is enacted into law."

The Senate agreed to the substitute, as amended, 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. 303, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

Substitute (S-1).

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

1. Amend page 4, following line 9, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 302 of the 93rd Legislature is enacted into law."

The Senate agreed to the substitute, as amended, 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 amendments, the following bill:

**House Bill No. 4450, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 2002 PA 652.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 10, line 9, after the second "A" by inserting "CONDITION OF".

2. Amend page 10, line 14, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

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

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

**House Bill No. 4451, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80320 (MCL 324.80320), as added by 1995 PA 58.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 24, after the second "IS" by inserting "A CONDITION OF".
2. Amend page 3, line 2, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 4452, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 30d (MCL 125.2330d).

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 amendments, the following bill:

**House Bill No. 4453, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81108 (MCL 324.81108), as added by 1995 PA 58.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 13, after the second "A" by inserting "CONDITION OF".
2. Amend page 2, line 18, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 358, entitled**

A bill to create and provide for the operation of the life science investment authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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:

**Senate Bill No. 359, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A. 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:

**Senate Bill No. 416, entitled**

A bill to prohibit the dissemination, exhibiting, or displaying of certain ultra-violent explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of ultra-violent explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; and to impose certain duties upon prosecuting attorneys and the circuit court.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 4, by striking out all of section 3.
2. Amend page 9, line 25, after “DRAWING,” by inserting “OR”.
3. Amend page 9, line 25, after “SCULPTURE,” by inserting “THAT DEPICTS EXTREME AND LOATHSOME VIOLENCE, OR A”.
4. Amend page 13, line 14, by striking out all of sections 24 and 25.
5. Amend page 14, line 9, by striking out “SEC. 26. (1)” and inserting “SEC. 24.”.
6. Amend page 14, line 13, by striking out all of subsection (2).
7. Amend page 14, line 21, by striking out “SEC. 27.” and inserting “SEC. 25.”.
8. Amend page 14, line 27, after “OLDER” by inserting a comma and “OR THE SERVICE TERMS OF THE INTERNET PROVIDER OF A SELLER OR RENTAL ENTERPRISE THAT SELLS OR RENTS ULTRA-VIOLENT EXPLICIT MATTER OVER THE INTERNET REQUIRE A PURCHASER OR RENTER TO BE 17 YEARS OF AGE OR OLDER IF ALL OF THE FOLLOWING CONDITIONS ARE MET:
  - (i) THE ULTRA-VIOLENT EXPLICIT MATTER IS PURCHASED OR RENTED OVER THE INTERNET.
  - (ii) THE ULTRA-VIOLENT EXPLICIT MATTER IS SENT TO THE PURCHASER’S OR RENTER’S HOME OR PLACE OF RESIDENCE.
  - (iii) THE PURCHASER OR RENTER OF THE ULTRA-VIOLENT EXPLICIT MATTER USES A CREDIT CARD TO PURCHASE OR RENT THE ULTRA-VIOLENT EXPLICIT MATTER”.
9. Amend page 15, line 25, by striking out “SEC. 28.” and inserting “SEC. 26.”.

The Senate agreed to the substitute, as amended, 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. 249, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 143a. Substitute (S-4).

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 amendments, the following bill:

**Senate Bill No. 463, entitled**

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 1, line 1, after “this” by striking out “act” and inserting “PART”.
2. Amend page 3, following line 21, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 249.
- (b) Senate Bill No. 416.
- (c) Senate Bill No. 464.
- (d) House Bill No. 4702.
- (e) House Bill No. 4703.”.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 464, entitled**

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of

government from proscribing certain conduct; and to repeal certain acts and parts of acts,” (MCL 722.671 to 722.684) by adding section 12a.

Substitute (S-2).

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

1. Amend page 2, line 2, after “**OLDER**” by inserting a comma and “**OR THE SERVICE TERMS OF THE INTERNET PROVIDER OF A SELLER OR RENTAL ENTERPRISE THAT SELLS OR RENTS ULTRA-VIOLENT EXPLICIT MATTER OVER THE INTERNET REQUIRE A PURCHASER OR RENTER TO BE 17 YEARS OF AGE OR OLDER IF ALL OF THE FOLLOWING CONDITIONS ARE MET:**

(i) **THE ULTRA-VIOLENT EXPLICIT MATTER IS PURCHASED OR RENTED OVER THE INTERNET.**

(ii) **THE ULTRA-VIOLENT EXPLICIT MATTER IS SENT TO THE PURCHASER’S OR RENTER’S HOME OR PLACE OF RESIDENCE.**

(iii) **THE PURCHASER OR RENTER OF THE ULTRA-VIOLENT EXPLICIT MATTER USES A CREDIT CARD TO PURCHASE OR RENT THE ULTRA-VIOLENT EXPLICIT MATTER”.**

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

Senator Brater moved that she be removed as co-sponsor of the following bill:

**Senate Bill No. 249**

The motion prevailed.

## Resolutions

### **Senate Concurrent Resolution No. 18.**

A concurrent resolution to change the scope of the Macomb Community College Fraser Building Renovation project to the Emergency Services Training Center expansion project and to increase the project cost.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### **Senate Concurrent Resolution No. 16.**

A concurrent resolution to memorialize the United States Congress to validate the requirement for the Detroit Arsenal during the current round of the Base Realignment and Closure process.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senator Clarke was named co-sponsor of the concurrent resolution.

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

The motion prevailed.

Senator Olshove’s statement is as follows:

This resolution as introduced was really an effort to protect the Detroit Arsenal in Warren, Michigan, an employer of 4,500 well-paid jobs, highly technical jobs that are really integrated into our manufacturing base that we have in Macomb County. They work together. As we went along with the discussions, it became apparent that the other issues with BRAC around the state were of vital economic and security interests to a lot of other districts.

The substitute incorporated and talks to the closings at Selfridge, Alpena, the Battle Creek area, and Camp Grayling. I think that if we act together and in a united voice, the House and the Senate here will send a strong message that we would like to see these facilities open and kept open, particularly in our tough economic times and also addressing our security concerns in this state and throughout the country. I appreciate your support.

Senator Schauer’s statement is as follows:

I also rise to support this resolution and thank the sponsor for his work. The resolution was amended to include commitment to all of the federal bases that are potential targets of the BRAC Commission, the Base Realignment and Closure Commission. I happen to have three of those in my district, in the Battle Creek area, and these are excellent jobs not only for our communities and our families, for our national security, but also our security here in Michigan. So this is critical.



In Battle Creek, we have the Hart-Dole-Inouye Federal Center which has 1,800 high-tech cataloguing jobs. The Fort Custer Military Training Center operated by the National Guard is also in the Battle Creek/Augusta area and sort of bridges Calhoun and Kalamazoo Counties. The Air National Guard Base, the 110th Fighter Wing, which operates A-10 fighter planes which were in operation for Iraqi Freedom, actually provided ground support to tanks in that effort.

So they are all very important. These are very important jobs, and I appreciate the work of the sponsor and thank this chamber for support of this resolution.

Senator Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 20.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kellogg Community College relative to the Kellogg Community College Roll Building Renovation project.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Kellogg Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Roll Building Renovation project (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Kellogg Community College Roll Building Renovation project shall not exceed \$5,000,000 (the Authority share is \$1,624,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,375,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$1,624,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$110,000 and \$145,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Kellogg Community College, and the State Budget Director.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution, Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations. The motion prevailed. Senators Clarke, Goschka, Jelinek, Schauer and Switalski were named co-sponsors of the concurrent resolution.

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

Senators Hardiman, Goschka, Garcia, Gilbert, Cropsey, Hammerstrom, Birkholz and Cassis introduced **Senate Bill No. 489, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16901 (MCL 333.16901), as added by 1995 PA 126.

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

Senators Hardiman, Gilbert, Cropsey, Hammerstrom and Jelinek introduced **Senate Bill No. 490, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 8a and 24 (MCL 125.1508a and 125.1524), section 8a as added by 1999 PA 245 and section 24 as amended by 1980 PA 371.

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

Senators Kuipers, McManus, Allen, Hammerstrom, Birkholz and George introduced **Senate Bill No. 491, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2005 PA 1.

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

Senator Barcia introduced **Senate Bill No. 492, 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 Basham, Schauer and Cherry introduced **Senate Bill No. 493, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 5 and 6 (MCL 408.1005 and 408.1006), section 5 as amended by 1986 PA 80.

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

Senators Basham, Schauer, Cherry and Jacobs introduced **Senate Bill No. 494, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462, and by adding section 3e.

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

Senators Garcia, Johnson, Brater and Bishop introduced **Senate Bill No. 495, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502 and 11514 (MCL 324.11502 and 324.11514), section 11502 as amended by 2004 PA 35 and section 11514 as amended by 2004 PA 34, and by adding section 11514b.

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

Senator Thomas introduced  
**Senate Bill No. 496, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253. The bill was read a first and second time by title and referred to the Committee on Finance.

**House Bill No. 4602, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 2002 PA 498.

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 Transportation.

**House Bill No. 4623, entitled**

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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 Agriculture, Forestry and Tourism.

**House Bill No. 4702, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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 Judiciary.

**House Bill No. 4703, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 143a.

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 Judiciary.

### Statements

Senators Scott, Allen and Clarke 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:

This is from Detroit, "I pay over \$3,000 per year for auto and \$2,200 for homeowners. It is much too high and it seems to fall on those who can least afford it. No wonder people drive/live without it because they can't afford it! Hold everyone accountable on an individual basis instead of making everyone suffer for the actions of a few."

Another Detroit, "I have friends who live outside of the city and their rates are three times cheaper than mine. I have a pristine driving record but still can't get full coverage on an Escort lower than \$300 a month. A Ford Focus would cost me \$350 a month. That's a luxury car note."

Another Detroit, "I have been experiencing insurance increase steadily for the past two years. I have had a clean driving record for over 20 years. My insurance premium went from \$1,500 a year to \$4,000 a year since using credit scores. I was without a job for six months in 2002, and my credit score dropped. A credit score should not affect the cost of your insurance premium. Thank you for your effort to remove this unfair act here in Michigan. May God bless you."

Another Detroit, "I have lived in Detroit for over twenty years. My husband and I have had no moving violations tickets, nor any accidents. Yet our insurance rates have increased over the years. I have long ago given up calling the top insurance providers in our area: State Farm, Allstate, and AAA. Their rates are just too high. Though I have gone with other companies, I have still watched my rates climb and every few years had to switch for a lower rate or to maintain what I was paying. For two people with great driving records, you could not tell it by the high rates we have to pay here in Detroit. It is way overdue that something should be done about the high prices of insurance for home and automobile owners in Detroit. I have friends that have left the city because of the high cost in our city. I'm glad to see someone is trying to change things."

Senator Allen's statement is as follows:

On the floor we have our daughter Amanda Dorothy at 9 pounds 1 ounce. It's been a great blessing to our family and a great joy and as part of our Senate family.

Senator Clarke's statement is as follows:

Last Friday, I made a declaration to the people of the city of Detroit. I stood in front of the home that I had lived in for 25 years. You know, it should have been a happy occasion for me, but it wasn't. I was very sad and angry. I stood in front of the home that my mother raised me in as a single parent. She provided for that household working as a school crossing guard, and then in the last few years of her life, she cleaned a house on Townsend Street.

I'm saying this to explain to every one that my mother sacrificed everything to provide me with a home to stay. It hurt me beyond words to stand in front of that house, now abandoned with no trespassing signs on it, the porch I used to play on as a child littered with dog feces, and now a place that is allegedly used to sell drugs.

Now even though this was a personal issue, and it personally hurt and disturbed me, everyone who lives in the city of Detroit and everyone who has lived there has seen their neighborhood, perhaps their very childhood home, decay into a shell of what it used to be.

Now people in politics will explain the city of Detroit has lost hundreds of thousands of people over the past few decades. We just aren't receiving the tax money we have before. We can't provide those same services before, and furthermore, since we have so fewer people, the families don't need those services anymore.

You know, it's true, we only have a fraction of the families now that we had when I was growing up. But those families, I believe, are in greater need. Even though I came from a neighborhood that wasn't that well off, even back years ago when I was growing up, I got a lot of support from my school system because teachers perceived me as being raised in a disadvantaged household because unlike other homes in that neighborhood, I was being raised by one parent. Now in the city of Detroit, there isn't a family that has a single woman working hard for little money without a man to support her. More and more grandparents are burying their grandchildren before their grandchildren's 25th birthday. And every year this state sends up to 7,000 men to Detroit on a one-way bus trip with \$50 in their pocket as they are released from the state penitentiary system here. And those men really, truly don't have anyplace to go or anybody to hire them.

I believe time is running out for the city of Detroit. As much as I have tried to legislatively do what I could to stop a receiver from being imposed on the city, I know the clock is running out. I realize that the process to start the appointment of an emergency financial manager could just be one resolution away in this very chamber, although I urge you not to do it. Every week we are losing our tax base because people are leaving, and most tragically, people are losing hope in the city of Detroit. Now the hope that they are being offered is this: the All-Star game and the Super Bowl;

that will help turn Detroit around. Look, for 40 years we've heard the same thing. Attract visitors downtown with casinos, with the Renaissance Center, and with Cobo Hall. What's happened in 40 years? We have lost people. More people are being murdered. People are losing their families, and they are losing hope.

Detroit families don't need a Super Bowl. All they want is what your families want. They want a safe neighborhood where they can walk the streets day or night without concern, where their kids can play without fear of drive-by shootings. They want a city that they can be proud of, and yes, they need insurance rates that they can afford.

If I ever ask you for help to bail out the city of Detroit, hopefully, I will be in a position to assure you that every dollar that passes through the city treasury will be spent on the families to rebuild our neighborhoods in the city of Detroit.

### Committee Reports

The Committee on Commerce and Labor reported

**Senate Bill No. 358, entitled**

A bill to create and provide for the operation of the life science investment authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus and Schauer

Nays: None

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

The Committee on Commerce and Labor reported

**Senate Bill No. 359, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A.

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

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus and Schauer

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, May 10, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Schauer

Excused: Senator Olshove

The Committee on Judiciary reported

**Senate Bill No. 416, entitled**

A bill to prohibit the dissemination, exhibiting, or displaying of certain ultra-violent explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of ultra-violent explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; and to impose certain duties upon prosecuting attorneys and the circuit court.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 249, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 143a. With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 464, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," (MCL 722.671 to 722.684) by adding section 12a.

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 L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 463, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 1, after "this" by striking out "act" and inserting "**PART**".

2. Amend page 3, following line 21, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 249.

(b) Senate Bill No. 416.

(c) Senate Bill No. 464.

(d) House Bill No. 4702.

(e) House Bill No. 4703."

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

Alan L. Cropsey  
Chairperson

**To Report Out:**

Yeas: Senators Cropsy, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 10, 2005, at 1:00 p.m., Room 210, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Public hearing held on Monday, May 9, 2005, at 1:15 p.m., Northwestern Michigan College, Hagerty Center, Room C, 715 Front Street, Traverse City

Present: Senators Cassis (C) and McManus

Excused: Senators Garcia, Thomas and Brater

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, May 10, 2005, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senator Stamas (C), George, Johnson, Garcia and Cherry

Excused: Senator Clarke

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Tuesday, May 10, 2005, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Goschka and Barcia

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, May 10, 2005, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsy (C), Brown, Garcia, Switalski and Prusi

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, May 11, 2005, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Capital Outlay** - Thursday, May 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Tuesday, May 17, 2:00 p.m., Room 405, Capitol Building; Wednesday, May 18, 3:00 p.m.; Tuesday, May 24, 1:00 p.m.; and Wednesday, May 25, 3:00 p.m., Room 100, Farnum Building (373-2420)

**Community Health Department** - 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 17, May 24 and May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Environmental Quality Department and Natural Resources and Environmental Affairs** - Tuesday, May 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Higher Education** - Fridays, 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)

**Judiciary and Corrections** - Tuesday, May 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

**K-12, School Aid, Education** - Thursday, 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 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Education** - Thursday, May 12, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Finance and House Tax Policy** - Monday, May 16, 1:00 p.m., Kalamazoo Public Library, Van Deusen Room, 3rd Floor, 305 S. Rose Street, Kalamazoo (373-1758)

**Judiciary** - Friday, May 13, 10:00 a.m., Caledonia Sportsmen's Club, 10721 Coldwater Road, Caledonia (373-3760)

**Natural Resources and Environmental Affairs** - Tuesday, May 17, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Natural Resources and Environmental Affairs and Environmental Quality Department Subcommittee** - Tuesday, May 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, May 18, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:39 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, May 12, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate