

**No. 47**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Tuesday, May 24, 2005.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not 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—excused  
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—excused  
Scott—present  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

Senator Samuel Buzz Thomas III of the 4th District offered the following invocation:

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is discord, harmony; where there is doubt, faith; where there is falsehood, truth; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O divine Master, let me seek not so much to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

In Your name we pray. Amen.

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

Senators Basham and McManus entered the Senate Chamber.

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:03 a.m.

10:25 a.m.

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

During the recess, Senators Barcia, Stamas, Sanborn, Brown, Bishop, George, Jelinek, Sikkema, Van Woerkom, Cassis, Kuipers, Hardiman, Allen, Johnson, Cropsey, Toy, Garcia, Birkholz and Goschka entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Hammerstrom moved that the following concurrent resolution, now on Committee Reports, be referred to the Committee on Technology and Energy:

#### **Senate Concurrent Resolution No. 21.**

A concurrent resolution to urge the Federal Communications Commission (FCC) to use its authority post haste to require that Voice Over Internet Protocol (VOIP) service providers make enhanced 9-1-1 emergency call services available to all customers.

The motion prevailed.

Senator Jacobs moved that Senator Bernero be temporarily excused from today's session.

The motion prevailed.

Senator Jacobs moved that Senators Clarke and Schauer be excused from today's session.

The motion prevailed.

The following communications were received:

Department of State

Administrative Rules  
Notices of Filing

May 13, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 9:56 a.m. this date, administrative rule (05-05-03) for the Department of Labor and Economic Growth, Director's Office entitled "*Michigan Children's Protection Registry*," effective July 1, 2005.

May 13, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 9:58 a.m. this date, administrative rule (05-05-04) for the Department of Labor and Economic Growth, Director's Office entitled "*Overhead and Gantry Cranes*," effective immediately upon filing with the Secretary of State.

May 13, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:02 a.m. this date, administrative rule (05-05-06) for the Department of Education, Office of School Improvement entitled "*Boarding School Licenses*," effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

May 20, 2005

Enclosed is a copy of the following audit report:  
Performance audit of the Child Day Care and Child Welfare Licensing Divisions, Office of Children and Adult Licensing, Department of Human Services.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 19:  
**House Bill Nos. 4484 4551 4607 4635**

The Secretary announced that the following official bills were printed on Thursday, May 19, and are available at the legislative website:

**Senate Bill Nos. 507 508 509 510 511 521 525**  
**House Bill Nos. 4806 4807 4808**

The Secretary announced that the following official bills were printed on Friday, May 20, and are available at the legislative website:

**Senate Bill Nos. 512 513 514 515 516 517 518 519 520 522 523 524**  
**House Bill Nos. 4809 4810 4811 4812 4813 4814 4815 4816 4817 4818 4819 4820**

### Messages from the Governor

The following message from the Governor was received:

Date: May 19, 2005  
Time: 9:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 199 (Public Act No. 21), being**

An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state

departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 1021 (MCL 436.2021), as amended by 2002 PA 725.

(Filed with the Secretary of State on May 19, 2005, at 1:15 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

### Messages from the House

#### Senate Bill No. 77, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 Bernero entered the Senate Chamber.

### Third Reading of Bills

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

#### House Bill No. 4528

#### Senate Bill No. 128

The motion prevailed.

The following bill was read a third time:

#### House Bill No. 4528, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2004 PA 458.

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. 157

#### Yeas—36

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

**Nays—0**

**Excused—2**

Clarke

Schauer

**Not Voting—0**

In The Chair: President

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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 128, entitled**

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

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. 158**

**Yeas—34**

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

**Nays—2**

Emerson                                   Leland

**Excused—2**

Clarke                                    Schauer

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

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

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

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

**House Bill No. 4677, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 87.

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

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

**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.

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. 168, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 2004 PA 173.

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. 337, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35c.

Substitute (S-2).

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

### Resolutions

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 34**

The resolution consent calendar was adopted.

Senator Allen offered the following resolution:

**Senate Resolution No. 34.**

A resolution commemorating the Thirty-fifth Anniversary of the Michigan State Police State Capitol Post.

Whereas, The Michigan Senate is proud to commemorate the Thirty-fifth Anniversary of the Michigan State Police State Capitol Post. Presently staffed with fourteen officers, the post is responsible for the security of people and property of all state-owned and state-leased facilities in Eaton and Ingham Counties; and

Whereas, Capitol security officers, as members of the Department of State Police and graduates of the Michigan State Police Academy, are assigned to the State Capitol Post on a permanent basis and are dispatched from headquarters under the Treasury Building to serve 14,000 employees of the state; and

Whereas, The sterling record of the post and its officers since its inception is one worthy of our admiration and gratitude. We are truly indebted to the men and women who so diligently go about their myriad duties each day and those who have served so well over the past thirty-five years. Their presence, commitment to their charge, and willingness to put themselves in harm’s way to protect us is certainly reassuring in these unpredictable times we live in; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be accorded to commemorate the Thirty-fifth Anniversary of the Michigan State Police State Capitol Post; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan State Police State Capitol Post as evidence of our gratitude to all who have and continue to serve it—and us—so well.

Senators Birkholz, Brown, Garcia, Goschka, Hardiman, Jacobs, Olshove, Prusi, Scott, Thomas and Van Woerkom were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senator Emerson introduced

**Senate Bill No. 526, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 10 and 11 (MCL 207.780 and 207.781), as amended by 2001 PA 217.

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

Senators Kuipers and Bishop introduced

**Senate Bill No. 527, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1165a. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Johnson introduced

**Senate Bill No. 528, entitled**

A bill to promote deployment of and investment in communications services in this state; and to prescribe the powers and duties of certain state agencies and officials.

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

Senator Scott introduced

**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

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

Senator Thomas introduced

**Senate Bill No. 530, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 12 and 13 (MCL 207.782 and 207.783), section 12 as amended by 2004 PA 396.

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

Senators Hammerstrom, Basham, Bishop, Gilbert, Olshove and Scott introduced

**Senate Bill No. 531, entitled**

A bill to regulate watercraft manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate their dealings with dealers and retail customers; to prohibit unfair practices; to provide remedies and penalties; and to repeal acts and parts of acts.

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

Senators Van Woerkom, Kuipers, Patterson, Hardiman and Switalski introduced

**Senate Bill No. 532, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 968 (MCL 168.968), as amended by 1989 PA 26.

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

Senators Garcia, Sikkema, Kuipers, Cropsey, Birkholz, George and Hardiman introduced

**Senate Bill No. 533, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4 and 13 (MCL 125.2004 and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

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

**House Bill No. 4484, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

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 Banking and Financial Institutions.



**House Bill No. 4551, 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 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 Commerce and Labor.

**House Bill No. 4607, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 627a (MCL 257.627a), as amended by 2000 PA 110.

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. 4635, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8515 (MCL 324.8515), as added by 1995 PA 60, and by adding section 8518.

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.

### Statements

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

The motion prevailed.

Senator Cherry’s statement is as follows:

Many of you may not know, but this week is regional Emerald Ash Borer Awareness Week in the state of Michigan.

Emerald ash borers, as you all do know, are beetles that infest portions of the trunk and major branches of ash trees, destroying the water and nutrient-conducting tissues under the bark. Memorial Day weekend marks the beginning of the travel and tourism season in Michigan, so increasing public awareness and understanding of the emerald ash borer benefits the state of Michigan by curtailing the artificial spread of the beetle through the movement of firewood.

Emerald Ash Borer Awareness Week is a great opportunity for government to join forces with business, industry, environmental and conservation groups, and community organizations to take action against the artificial spread and introduction of the emerald ash borer.

By citizens understanding and becoming aware of the emerald ash borer quarantine, they will contribute to the protection of Michigan’s forests and reduce the spread of the emerald ash borer’s costly damage. I encourage all members to do all they can to educate their constituents about the quarantine.

Senator Scott’s statement is as follows:

There was a recent article in *CNN Money* magazine that reported that insurance can add a lot to the cost of owning a car. This is not new news. However, it went on to say, “It’s no secret that some cars cost more to insure than others. Though your driving record matters most, your choice of car can mean the difference of hundreds of dollars in insurance costs every year.”

The author of this article and myself are definitely on the same page. My message has always been just what the above paragraph states, that insurance costs be more tightly tied to an individual’s driving record and the kind of car they drive. The author writes six very important words—“Though your driving record matters most.” Unfortunately in Michigan, this is obviously not the case.

I hear from hundreds of citizens from across this state who have impeccable driving records and who continue to pay outrageous premiums. The article goes on to say that the best predictor of how likely you are to get into a wreck and have to file a claim is you. Someone with several accidents and tickets would be considered a higher risk and thus forced to pay higher insurance premiums. Other characteristics such as age, gender, and marital status were also mentioned.

So I urge my colleagues to consider the message that is clearly printed in this black and white article. Let the price of auto insurance be to one’s driving record and the kind of car you drive.

**Committee Reports**

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 221, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 262. 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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 222, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c. With the recommendation that the bill pass.

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 398, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74126.

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

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

Gerald Van Woerkom  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 415, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 705.

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.

Gerald Van Woerkom  
Chairperson

To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:  
Meeting held on Thursday, May 19, 2005, at 8:30 a.m., Room 110, Farnum Building  
Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 384, entitled**

A bill to designate the third Saturday in June as Juneteenth national freedom day.  
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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero  
Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 252, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).  
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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka, Basham and Bernero  
Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 253, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka, Basham and Bernero  
Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 254, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka, Basham and Bernero  
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 Local, Urban and State Affairs submitted the following:  
Meeting held on Thursday, May 19, 2005, at 1:00 p.m., Room 110, Farnum Building  
Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

The Committee on Technology and Energy reported

**House Concurrent Resolution No. 8.**

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the Palisades Nuclear Power Plant.

(For text of resolution, see Senate Journal No. 36, p. 492.)

With the recommendation that the concurrent resolution be adopted.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Brown, Cassis, Olshove, Leland and Bernero

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Technology and Energy reported

**House Concurrent Resolution No. 9.**

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the D.C. Cook Nuclear Power Plant.

(For text of resolution, see Senate Journal No. 36, p. 492.)

With the recommendation that the concurrent resolution be adopted.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Brown, Cassis, Olshove, Leland and Bernero

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Technology and Energy reported

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to urge the Federal Communications Commission (FCC) to use its authority post haste to require that Voice Over Internet Protocol (VOIP) service providers make enhanced 9-1-1 emergency call services available to all customers.

(For text of resolution, see Senate Journal No. 45, p. 660.)

With the recommendation that the concurrent resolution be adopted.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Brown, Cassis, Olshove, Leland and Bernero

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Technology and Energy reported

**Senate Bill No. 334, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation

programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 10dd.

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

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

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Leland and Bernero

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 Technology and Energy submitted the following:

Meeting held on Wednesday, May 18, 2005, at 3:00 p.m., Room 210, Farnum Building

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

The Committee on Commerce and Labor reported

**Senate Bill No. 92, entitled**

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

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.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Toy and McManus

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. 521, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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 and McManus

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. 525, entitled**

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 5, 15, 17, and 23 (MCL 125.2235, 125.2245, 125.2247, and 125.2253).

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, Schauer and Olshove

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 Thursday, May 19, 2005, at 10:55 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:  
Meeting held on Thursday, May 19, 2005, at 12:30 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Jelinek (C), Cropsey, Brown and Switalski  
Excused: Senator Scott

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:  
Meeting held on Thursday, May 19, 2005, at 2:30 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Stamas (C), George, Garcia and Cherry  
Excused: Senators Johnson and Clarke

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:  
Joint public hearing held on Thursday, May 19, 2005, at 3:07 p.m., Saginaw Valley State University, Curtiss Hall, Conference Room G, 2nd Floor, 7400 Bay Road, Saginaw  
Present: Senators Cassis (C) and Thomas  
Excused: Senators Garcia, McManus and Brater

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:  
Meeting held on Friday, May 20, 2005, at 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street, Ypsilanti  
Present: Senator Goschka (C)  
Excused: Senators Johnson, Hardiman, Cherry and Prusi

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:  
Joint public hearing held on Monday, May 23, 2005, at 1:08 p.m., Automation Alley, Technology Atrium Room, 2675 Bellingham, Troy  
Present: Senators Cassis (C), Garcia and Thomas  
Excused: Senators McManus and Brater

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, May 26, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, May 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Capital Outlay** - Thursday, May 26, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Wednesday, May 25, 3:00 p.m. and Thursday, May 26, 8:30 a.m., Room 100, Farnum Building (373-2420)

**Community Colleges** - Wednesday, June 1, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health Department** - Thursday, June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Tuesday, May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

**Judiciary and Corrections** - Tuesday, May 31, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

**Natural Resources Department** - Wednesdays, May 25, June 1 and June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Education** - Thursday, May 26, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Finance and House Tax Policy** - Wednesday, May 25, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1758)

**Legislative Retirement Board of Trustees** - Wednesday, May 25, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Local, Urban and State Affairs** - Thursday, May 26, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Technology and Energy** - Wednesday, May 25, 3:00 p.m., Room 210, Farnum Building (373-7350) (CANCELED)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:05 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 25, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

