

No. 51
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, June 1, 2005.

10:00 a.m.

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

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

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

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

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

Senator James A. Barcia of the 31st District offered the following invocation:

Dear God, as we gather here today, we ask You to give us the strength and courage to do what is moral and right. We pray that Your Spirit will guide us as we seek to fairly represent all of the people of this great state. We ask that You give us the voice to speak for the disadvantaged and the disenfranchised. We thank You for allowing each and every one of us the opportunity to be a public servant.

May we always remember Your teachings and never forget that compassion and mercy are the hallmarks of a truly just society. Lord, as we begin today, we thank You for Your many blessings.

We pray these things in Your name. Amen.

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

Motions and Communications

Senator Garcia entered the Senate Chamber.

Senator Hammerstrom moved that Senator Van Woerkom be excused from today's session.

The motion prevailed.

Senator Van Woerkom is attending a funeral.

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

The motion prevailed.

Senators Jacobs, Goschka and Basham entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 31, for her approval the following bill:

Enrolled Senate Bill No. 77 at 12:19 p.m.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4702

House Bill No. 4703

House Bill No. 4356

Senate Bill No. 512

Senate Bill No. 513

Senate Bill No. 514

Senate Bill No. 515

Senate Bill No. 516

Senate Bill No. 517

Senate Bill No. 518

Senate Bill No. 365

Senate Bill No. 462

The motion prevailed.

Senator Bernero entered the Senate Chamber.

The following bill was read a third time:

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 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. 174**Yeas—36**

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

Nays—0**Excused—2**

Clarke	Van Woerkom
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Not Voting—0

In The Chair: Birkholz

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

Senator Clarke entered the Senate Chamber.

The following bill was read a third time:

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 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. 175**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas

Brater
Brown
Cassis
Cherry

Gilbert
Goschka
Hammerstrom

McManus
Olshove
Patterson

Switalski
Thomas
Toy

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

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, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain 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:

House Bill No. 4356, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2919a (MCL 600.2919a).

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. 176

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

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 and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 512, entitled

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending sections 2, 3, 4, 11, 12, 15, 19, 20, 21, 23, and 24 (MCL 397.172, 397.173, 397.174, 397.181, 397.182, 397.185, 397.189, 397.190, 397.191, 397.193, and 397.194), sections 2 and 3 as amended by 2001 PA 64, section 11 as amended by 2002 PA 159, section 12 as amended by 2002 PA 540, and section 15 as amended by 1994 PA 114, and by adding section 3a.

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. 177**Yeas—37**

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

Nays—0**Excused—1**

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 513, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 301, 302, 312, 370, 381, 498, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370 and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297.

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. 178

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 514, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4 and 5 (MCL 380.4 and 380.5), as amended by 2003 PA 299.

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. 179

Yeas—37

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

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 515, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 38, 58, and 152 (MCL 389.38, 389.58, and 389.152), as amended by 2003 PA 306.

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. 180

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 516, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” (MCL 78.1 to 78.28) by adding section 24d.

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. 181**Yeas—37**

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

Nays—0**Excused—1**

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 517, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 3b.

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. 182**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema

Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry			

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 518, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” (MCL 61.1 to 74.25) by adding section 5a to chapter II.

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. 183

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 365, entitled

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

The 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. 184

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Hardiman, Thomas, Clark-Coleman and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman’s statement is as follows:

I rise to speak in favor of Senate Bill No. 365. This bill would rename the Treasury Building as the Richard Austin Department of State Building. I’m proud to sponsor this bill, and I appreciate Secretary of State Terri Land for making this recommendation.

Richard Austin is a unique public servant in our state’s history. He was Secretary of State for longer than anyone else, and because of term limits, no Michigan citizen will ever serve as long as he did in that post. He was not simply unique because of his years of service. He was a distinguished local official in Wayne County, a delegate to the Constitutional Convention of 1961, and an active participant in many constructive policy issues.

The Treasury Building is very appropriate for the renaming, for Secretary of State Austin was a certified public accountant by training. I think it would be fitting for his name to be on a building which housed state employees concerned with the Secretary of State functions and the financial functions of Treasury.

I urge my colleagues to join me in supporting this tribute to Richard Austin.

Senator Thomas’ statement is as follows:

I want to commend the sponsor of this legislation for bringing this bill before us, and I speak in favor of this legislation. Richard Austin was a dear personal and family friend for a number of years. He provided the political start in political life for members of my family who worked on his campaigns for mayor of Detroit and Governor of Michigan, and certainly, for Secretary of State.

He was, indeed, a true pioneer in the great and rich history that is Michigan. Our longest-serving Secretary of State, no one will ever duplicate the accomplishments of this great, fine Michiganiaan. Regardless of party affiliation, I think it is appropriate that we stand tall and honor the contributions of this very rich African-American citizen, someone who improved the lives of all Michigan citizens regardless of party, regardless of race, regardless of geography. He is a true Michigan hero, and we owe him a great debt of gratitude for the service he provided.

So, again, I rise in strong support of this legislation and commend the sponsor for bringing it before us today.

Senator Clark-Coleman’s statement is as follows:

To my colleague in the 29th District, I, too, would like to compliment him and applaud him for this particular item. Richard Austin served during a time which he certainly was a front-runner and a role model for many of us to follow. He was—and I would always classify him as—a true gentleman. That’s the kind of demeanor that he always expressed—that of a true gentleman.

Many of us who are in the political world are here because of Dick Austin and his leadership. I’ve never heard anyone say a bad word about Dick Austin—just a wonderful, wonderful guy.

In addition to that, he was my neighbor. He lived about two blocks from me on Oakman Boulevard. So I would certainly encourage all my colleagues to support this bill.

Again, I thank my colleague from the 29th District for this piece of legislation.

Senator Cropsey’s statement is as follows:

I rise also in support of this legislation. Dick Austin, I believe, was the first African American who was a certified public accountant in the state of Michigan. He was the first African American to take the Wayne County auditor’s office. He was the first African American to be elected to a statewide office outside of the court system, and I think he has certainly been a trailblazer in this state. I wholeheartedly endorse the effort to name this building after him.

The following bill was read a third time:

Senate Bill No. 462, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

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. 185

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bill:

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Agriculture, Forestry and Tourism. The motion prevailed.

Senator Cropsey moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Judiciary:

Senate Bill No. 286, entitled

A bill to require online dating services to conduct criminal background checks or to provide certain notices; and to provide remedies.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 37

The resolution consent calendar was adopted.

Senator Garcia offered the following resolution:

Senate Resolution No. 37.

A resolution commemorating the 1462nd Transportation Company, Michigan Army National Guard based in Howell, Michigan.

Whereas, It is an honor and a privilege to commend the 1462nd Transportation Company for their distinguished service in Operation Iraqi Freedom II; and

Whereas, In the great tradition of citizen soldiers, the men and women of the 1462nd answered their country's call to arms without hesitation or regret; and

Whereas, On December 18, 2003, the unit was activated for deployment and left for their mobilization station on January 3, 2004, to the early morning cheers of hundreds of family members, friends, and supportive community citizens; and

Whereas, They completed their mobilization training at Fort McCoy, Wisconsin, and departed for the Middle East on March 16, 2004; and

Whereas, During their deployment, the company hauled over 100,000 short tons of supplies, parts, and ammunition from their home operating base, Anaconda, to forward operating bases in and around the hotbeds of opposition and insurgency at Fallujah, Mosel, Tikrit, Baghdad, and Kuwait; and

Whereas, They sallied forth on missions of vital logistical importance which typically lasted four days and covered up to 1,500 miles; and

Whereas, The unit drove over 1.2 million miles in order to accomplish their missions, all the while providing for the security of their own convoys as well as civilian contractors and third country national convoys; and

Whereas, The company sustained numerous casualties and received twenty-five Purple Hearts, and fortunately, suffered no one killed in action, including the soldiers and contract civilian drivers attached to them on various missions; and

Whereas, They all returned safely home to the affection and undying gratitude of the community on February 15, 2005; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor the soldiers of the 1462nd Transportation Company, Michigan Army National Guard for their magnificent service to our nation and state in the defense of all freedom-loving people around the world; and be it further

Resolved, That a copy of this resolution be transmitted to the 1462nd Transportation Company as a token of our deepest gratitude and esteem.

Senate Concurrent Resolution No. 14.

A concurrent resolution to increase the total project cost of the Iron Ore Museum project for the Department of History, Arts, and Libraries to reflect the receipt of private gift and donation revenues for the purpose of the project.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

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.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 186

Yeas—37

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

Nays—0

Excused—1

Van Woerkom

Not Voting—0

In The Chair: Birkholz

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.

(For text of resolution, see Senate Journal No. 36, p. 491.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned 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 pro tempore, Senator Birkholz, designated Senator Clark-Coleman as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 412, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending sections 1, 1a, 3, and 7 (MCL 830.411, 830.411a, 830.413, and 830.417), sections 1 and 7 as amended by 1994 PA 252 and sections 1a and 3 as amended by 1988 PA 248.

House Bill No. 4469, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10104 (MCL 333.10104), as amended by 2003 PA 62.

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. 498, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

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. 4470, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, and 812 (MCL 257.303, 257.307, and 257.812), sections 303 and 812 as amended by 2004 PA 362 and section 307 as amended by 2004 PA 502.

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

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"SEC. 252C. (1) WHEN A VEHICLE IS REMOVED FROM PRIVATE PROPERTY AT THE DIRECTION OF A PERSON OTHER THAN THE REGISTERED OWNER OF THE VEHICLE OR A POLICE AGENCY, THE CUSTODIAN OF THE VEHICLE IMMEDIATELY SHALL NOTIFY THE POLICE AGENCY FROM WHOSE JURISDICTION THE VEHICLE WAS TOWED. THE CUSTODIAN SHALL SUPPLY THAT INFORMATION WHICH IS NECESSARY FOR THE POLICE AGENCY TO ENTER THE VEHICLE INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

(2) UPON RECEIPT OF THE NOTIFICATION DESCRIBED IN SUBSECTION (1), THE POLICE AGENCY IMMEDIATELY SHALL DO ALL OF THE FOLLOWING:

(A) DETERMINE IF THE VEHICLE HAS BEEN REPORTED STOLEN.

(B) ENTER THE VEHICLE INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

(3) THE OWNER OF THE VEHICLE REMOVED AS DESCRIBED IN SUBSECTION (1) MAY OBTAIN RELEASE OF THE VEHICLE BY PAYING THE ACCRUED TOWING AND STORAGE FEES TO THE

CUSTODIAN OF THE VEHICLE. UPON RELEASE OF THE VEHICLE, THE CUSTODIAN SHALL NOTIFY THE POLICE AGENCY OF THE DISPOSITION OF THE VEHICLE.

(4) IF THE VEHICLE DESCRIBED IN SUBSECTION (1) IS NOT CLAIMED BY THE OWNER WITHIN 7 DAYS AFTER THE POLICE AGENCY HAS BEEN NOTIFIED BY THE CUSTODIAN THAT IT HAS BEEN TAKEN INTO CUSTODY, THE VEHICLE IS DEEMED ABANDONED AND THE PROCEDURES PRESCRIBED IN SECTION 252A(4)(C) TO (9) APPLY.”.

2. Amend page 20, following line 18, by inserting:

“Enacting section 1. Section 252c of the Michigan vehicle code, 1949 PA 300, MCL 257.252c, is repealed effective October 1, 2005.” and renumbering the remaining enacting section.

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.

Statements

Senators Cropsey 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 Cropsey’s statement is as follows:

Earlier today, I moved to refer Item No. 5, Senate Bill No. 286, the Internet dating legislation, back to the Judiciary Committee. I want to explain why that was done. The reason why the Internet dating legislation was referred back to committee, well, there were several reasons. No. 1, there was a tremendous amount of confusion about the substitute that I was going to be offering, and I think it best to have that go back to committee, have a hearing held on it, at least one, and also to set up a workgroup on it. We have new information that has come to light about Michigan women being victimized on these Internet dating services that I think this body should know about. I think it would be best to have some of these people come forth in person and give testimony as to what is happening.

Part of the confusion was some people were saying that the legislation gives a false sense of security. Right now 20 percent of the women who use the Internet dating services think that there is a background check that is being done. There is no background check that is being done by most Internet dating companies. There is currently a false sense of security. We need to take away that false sense of security.

I want to have testimony also from states where they have been monitoring the usage by sexual predators of the Internet. I think it is important for this body to understand the Internet usage by sexual predators for their own various uses, especially on the dating companies, and also to make sure that we have proper identification of sexual predators when they use an Internet dating service.

These are all issues that we are trying to put the women, in particular in the state of Michigan, to have them realize the dangers of Internet dating companies and to see if there is some way that we can make it safer.

To that end, as this legislation goes back to the Judiciary Committee, I will be offering a workgroup session to the Internet dating companies that come in and behind closed doors negotiate a package of bills, or negotiate a bill. Now I know one of the Internet companies, the largest Internet dating company, as far as we know, has opposed this legislation tooth and nail. It is very interesting because in the committee they said if they had to put a posting on their Internet, they would actually start doing background checks because they didn’t want to have the adverse publicity of saying they didn’t do background checks.

I think they should be able to come in and help us craft legislation to, first of all, protect Michigan citizens, especially women, from the victimization that goes on over their own dating service. To Match.com, I ask that you come in and you help us craft legislation that can be used, that you will support that will actually help protect the people of the state the Michigan, and not look at profits over people, but to say what is in the best interests of the people of the state of Michigan.

So that’s why that is being sent back to committee. I do not want to see the continued victimization, especially of Michigan women. I am giving these Internet dating companies the opportunity to come in and to see if we can craft a solution that would not only be good for Michigan, but perhaps be used as a model in other states.

Senator Scott’s statement is as follows:

I would just like to add my congratulations on Senate Bill No. 365 for the State Treasury Building to be named the Richard H. Austin Building. I think he was such a wonderful man who did so much for this state. I am just glad that my colleagues voted to name that building after him.

And now, over the last several weeks, I have been sharing—seems like it has been years though hasn’t it—with you comments from Michigan residents highlighting their own individual stories about the high cost of auto and homeowners insurance and the impact these rates are having on their lives. I must admit that a good majority of those

writings are from my district. However, I couldn't help but notice the heading of a letter written from a citizen in Kalamazoo who shared her concerns through her local newspaper by way of a letter to the editor. The title of the letter as printed read, "Let's Investigate Insurance Companies." This individual, a resident from southwestern Michigan, echoed what I have been saying for months.

Contrary to what many may believe, it's not that consumers don't want to pay for their mandated insurance, but quite simply, they cannot afford the high premiums. This Michigan resident spoke about insurance companies having free rein over consumers and how homeowners insurance premiums have more than doubled, even with no claims.

This is not a problem strictly confined to Detroit. Many of your constituents are speaking out, and they are urging action. Work with me on bringing real change, colleagues. The high cost of insurance is having a serious and significant impact on the lives of so many of this state's citizens. I stand ready and willing to work on viable solutions.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 31, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 2, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

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

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

Judiciary and Corrections - Thursday, June 2, 11:00 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-3760)

K-12, School Aid, Education - Thursday, June 2, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

K-12, School Aid, Education and Education - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesday, June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education and K-12, School Aid, Education Appropriations Subcommittee - Thursday, June 16, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Transportation - Thursday, June 2, 10:30 a.m. or later immediately following session, Senate Hearing Room, Ground Floor, Boji Tower (373-7708) (CANCELED)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:07 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, June 2, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate