

No. 76
STATE OF MICHIGAN
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REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, September 7, 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—excused
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

In the midst of the recent chaos, destruction, and despair of our sisters and brothers in the hurricane-ravaged South, let us come together to offer them comfort, hope, and aid. There is a Buddhist prayer that says:

“May I become at all times, both now and forever,

A protector for those without protection.

A guide for those who have lost their way.

A ship for those with oceans to cross.

A sanctuary for those in danger.

A lamp for those without light.

A place of refuge for those who lack shelter.

And a servant to all in need.”

Let us all heed the words of this prayer as we endeavor to be protectors, guides, and servants to all in need. And may the resiliency, the heroism, and the courage that these survivors have shown inspire us to continue our work within this chamber as we seek dignity, equality, and justice for all Americans. Amen.

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

Motions and Communications

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senators Goschka, Sikkema, Toy and Schauer entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 6:

House Bill No. 4204

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 6, for her approval the following bill:

Enrolled Senate Bill No. 170 at 2:49 p.m.

Messages from the Governor

The following message from the Governor was received on September 6, 2005, and read:

EXECUTIVE ORDER

No. 2005-20

State of Energy Emergency

Temporary Use of Dyed Diesel Fuel

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, an order, a rule of a state agency, or a specific provision of the statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, effective August 31, 2005, in response to shortages of clear diesel fuel caused by the effects of Hurricane Katrina, the federal Environment Protection Agency is temporarily allowing regulated parties to supply motor vehicle diesel fuel having a sulfur content greater than 500 parts per million with visible evidence of red dye;

WHEREAS, on September 2, 2005, the federal Internal Revenue Service declared that it will not impose a penalty when dyed diesel fuel is sold for use or used on highways;

WHEREAS, the waiver provided by the Internal Revenue Service is available only if the operator of the vehicle in which the dyed diesel fuel is used or the person selling the fuel pays the federal tax of 24.4 cents per gallon;

WHEREAS, the waiver issued by the Internal Revenue Service remains in effect through September 15, 2005;

WHEREAS, appropriate measures must be taken in Michigan to ensure that fuel supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. The provisions of Section 121 of the Motor Fuel Tax Act, 2000 PA 403, MCL 207.1121, prohibiting the sale, use, holding for sale, or holding for use of dyed diesel fuel are suspended through September 15, 2005.

2. The provisions of Section 122 of the Motor Fuel Tax Act, 2000 PA 403, MCL 207.1122, prohibiting a person from operating or maintaining a motor vehicle on the public roads or highways of this state with dyed diesel fuel in the vehicle's fuel supply tank are suspended through September 15, 2005.

3. Consistent with the Internal Revenue Service waiver of federal penalties, this Order does not remove the obligation of any nonexempt person to pay state taxes on dyed diesel fuel in the same manner as other diesel fuel.

4. As used in this Order, "dyed diesel fuel" means diesel fuel that is dyed in accordance with Internal Revenue Service rules or pursuant to any other Internal Revenue Service requirements, including any invisible marker requirements.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 2nd day of September in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on September 6, 2005, and read:

EXECUTIVE ORDER

No. 2005-21

Declaration of State of Disaster

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of disaster exists;

WHEREAS, under the Section 2 of the Emergency Management Act, a disaster means an "occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders";

WHEREAS, the destruction caused by Hurricane Katrina in the Gulf Coast region has resulted in numerous fatalities, injuries, and major devastation in the States of Louisiana, Mississippi, and Alabama;

WHEREAS, significant relief efforts are necessary to protect the public health, to preserve public safety, and to restore the social and economic welfare of persons impacted by the storm;

WHEREAS, the assistance of state governments throughout much of the United States, including Michigan, have been requested to assist with relief efforts in response to Hurricane Katrina;

WHEREAS, a Declaration of State of Disaster is necessary to activate Michigan's emergency management plan and enable Michigan to continue providing mutual aid and other state assets to the relief effort;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. To facilitate this state's efforts to respond to the effects of Hurricane Katrina, a State of Disaster is declared.

2. The State of Disaster continues in effect until the earliest of the following:
 - a. The Governor finds that the threat or danger has passed.
 - b. The Governor finds that the disaster has been dealt with to the extent that disaster conditions no longer exist.
 - c. October 2, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 4th day of September in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on September 6, 2005, and read:

EXECUTIVE ORDER
No. 2005-22

State of Energy Emergency

**Waiver of Regulations Relating to Motor Carriers and Drivers
Transporting Propane, Natural Gas, Compressed Natural Gas, and Ethanol**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, order, rule of a state agency, or specific provision of a statute, order, or rule if strict compliance with the statute, order, rule, or a specific provision of the statute, order, or rule will prevent, hinder, or delay necessary action in coping with an energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, because Hurricane Katrina has temporarily halted the off-shore production of petroleum products in the Gulf of Mexico and damaged storage facilities and transportation infrastructure throughout the Gulf Coast region, the effects of Hurricane Katrina are being felt throughout the United States;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional transportation emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has also exempted motor carriers and drivers transporting propane, natural gas, compressed natural gas, and ethanol from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The federal exemption is effective from 1:00 p.m. EDT, September 2, 2005 until 1:00 p.m. EDT, September 14, 2005

WHEREAS, in addition, appropriate measures must be taken at the state level to aid the relief effort, and in response to the energy emergency, to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting propane, natural gas, compressed natural gas, and ethanol to address transportation needs arising from the impact of Hurricane Katrina are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension under this Order is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.

2. The suspension under this Order is in addition to the suspension provided for the transportation of gasoline, diesel fuel, and jet fuel under Executive Order 2005-17.

3. This Order applies only to propane, natural gas, compressed natural gas, and ethanol. Executive Order 2005-17 applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered.

4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), applicable size and weight requirements, or any portion of federal regulations not specifically identified.

5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

6. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations have a copy of the federal Declaration of Emergency in their possession. A copy of the federal Declaration of Emergency is attached to this Order.

7. The Motor Carrier Division of the Department of State Police shall coordinate state compliance with this Order.

This Order is effective until the earliest of any of the following:

a. A finding by the Governor that the State of Energy Emergency declared under Executive Order 2005-16 no longer exists.

b. Rescission of this Order.

c. 1:00 p.m. EDT, Wednesday, September 14, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of September in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Senator Schauer moved that Senators Barcia, Bernero, Brater, Emerson and Leland be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

Senate Bill No. 130

Senate Bill No. 129

Senate Bill No. 601

Senate Bill No. 606

Senate Bill No. 607

Senate Bill No. 609

Senate Bill No. 611

Senate Bill No. 615

The motion prevailed.

Senators Leland, Brater, Bernero, Emerson and Barcia entered the Senate Chamber.

Senate Bill No. 373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236a. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled “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,” (MCL 750.1 to 750.568) by adding section 236b.

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

Senate Bill No. 620, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 236b. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled “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,” (MCL 750.1 to 750.568) by adding section 236c.

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

Senate Bill No. 416, 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 the title and sections 1, 2, 3, and 4 (MCL 722.671, 722.672, 722.673, and 722.674), sections 1 and 3 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House, Senator Cropsey offered the following amendments to the substitute:

1. Amend page 1, line 3, after “**ULTRA-VIOLENT**” by inserting “**EXPLICIT**”.
 2. Amend page 2, line 3, after “**ULTRA-VIOLENT**” by inserting “**EXPLICIT**”.
 3. Amend page 9, line 1, after “**MEANS**” by striking out the balance of the subdivision and inserting “**AN OBJECT OR DEVICE THAT STORES RECORDED DATA OR INSTRUCTIONS GENERATED BY A PERSON WHO USES IT, AND BY PROCESSING THE DATA OR INSTRUCTIONS CREATES AN INTERACTIVE GAME CAPABLE OF BEING PLAYED, VIEWED, OR EXPERIENCED ON OR THROUGH A COMPUTER, GAMING SYSTEM, GAME CONSOLE, OR OTHER TECHNOLOGY.**”.
 4. Amend page 11, line 6, after the second “**THE**” by inserting “**ULTRA-VIOLENT EXPLICIT**”.
- The amendments to the substitute were adopted.

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 13, line 3, after “effect” by striking out the balance of the enacting section and inserting “December 1, 2005.”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 374

Yeas—35

Allen	Clark-Coleman	Jacobs	Schauer
Barcia	Clarke	Jelinek	Scott
Basham	Cropsey	Johnson	Sikkema
Bernero	Garcia	Kuipers	Stamas

Birkholz	George	Leland	Switalski
Bishop	Gilbert	McManus	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Sanborn	

Nays—2

Brater	Emerson
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Excused—1

Olshove

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 as amended.

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.

Substitute (H-2).

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

Senator Van Woerkom offered the following substitute to the House substitute:

Substitute (S-1).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 375**Yeas—36**

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

Nays—0

Excused—1

Olshove

Not Voting—1

Prusi

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.

Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 347, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

The above bill was read a third time.

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. 376

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4071, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

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. 377**Yeas—37**

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

Nays—0**Excused—1**

Olshove

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4145, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43540c.

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. 378

Yeas—37

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

Nays—0

Excused—1

Olshove

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 501, entitled

A bill to repeal enacting section 5 of 1999 PA 123; and to repeal acts and parts of acts.

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. 379

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

Senator Birkholz offered to amend the title to read as follows:

A bill to amend 1999 PA 123, entitled “An act to amend 1893 PA 206, entitled “The general property tax act,” by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts,” by repealing enacting section 5; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 569, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as amended by 2001 PA 70.

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. 380

Yeas—36

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

Nays—0

Excused—1

Olshove

Not Voting—1

Emerson

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 570, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as amended by 2001 PA 69.

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. 381**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4679, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending sections 1, 3, 4, and 7 (MCL 125.1651, 125.1653, 125.1654, and 125.1657), sections 1 and 3 as amended by 2005 PA 13, section 4 as amended by 1987 PA 66, and section 7 as amended by 2004 PA 196.

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. 382

Yeas—37

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

Nays—0

Excused—1

Olshove

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.

By unanimous consent the Senate proceeded to consideration of the following bill:

House Bill No. 4915, 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 above bill was read a third time.

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. 383

Yeas—37

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

Nays—0

Excused—1

Olshove

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.

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 648, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

The above bill was read a third time.

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. 384

Yeas—37

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

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Goschka
Hammerstrom

Kuipers
Leland
McManus
Patterson
Prusi

Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

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 pro tempore, Senator Birkholz, designated Senator Scott 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 bill:

Senate Bill No. 470, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

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

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

Senate Bill No. 548, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 7 (MCL 28.297), as added by 1997 PA 99.

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. 549, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

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. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 60

The resolution consent calendar was adopted.

Senator Jacobs offered the following resolution:

Senate Resolution No. 60.

A resolution recognizing September 21, 2005, as the International Day of Peace.

Whereas, The issue of peace embraces the deepest hopes of all people and remains humanity's guiding hope; and

Whereas, In 1981, the United Nations proclaimed the International Day of Peace be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and people"; and

Whereas, The United Nations expanded the observance of the International Day of Peace in 2001 to include the call for a day of global ceasefire and nonviolence and invited all nations and people to honor cessation of hostilities for the duration of the day; and

Whereas, There is growing support within our state for the observance of the International Day of Peace, which affirms a vision of our world at peace and fosters cooperation between individuals, organizations, and nations; and

Whereas, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations; now, therefore, be it

Resolved by the Senate, That we hereby recognize September 21, 2005, as the International Day of Peace; and be it further

Resolved, That copies of this resolution be transmitted throughout the state of Michigan. We urge all government departments and agencies, organizations, schools, places of worship, and individuals in our state to commemorate, in an appropriate manner, the International Day of Peace. This may include community service projects, cultural exhibits and performances, a moment of silence, ringing of bells, sharing the universal wish "May Peace Prevail on Earth" at noon, vigils, religious services in our places of worship, and other education and public awareness activities in order to help establish a global day of peace in our homes, our communities, and between nations.

Senate Concurrent Resolution No. 26.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Kinross Correctional Facility New Power Plant.

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. 385

Yeas—37

Allen
 Barcia
 Basham

Clark-Coleman
 Clarke
 Cropsey

Hardiman
 Jacobs
 Jelinek

Sanborn
 Schauer
 Scott

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

Introduction and Referral of Bills

Senator Switalski introduced
Senate Bill No. 739, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Senator Switalski introduced
Senate Bill No. 740, entitled

A bill to amend 1937 PA 329, entitled "An act providing for compensation to certain peace officers injured in active duty, and payment to surviving spouses and dependents in case of death arising from active duty; and to make an appropriation therefor," by amending section 3 (MCL 419.103), as amended by 2002 PA 103.

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

Senator Switalski introduced
Senate Bill No. 741, entitled

A bill to amend 2004 PA 46, entitled "Public safety officers benefit act," by amending section 3 (MCL 28.633). The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Switalski introduced
Senate Bill No. 742, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

Senator Switalski introduced
Senate Bill No. 743, entitled

A bill to provide for compulsory arbitration of labor disputes between county corrections officers and their employers; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority of arbitration panels; to provide for the enforcement and review of awards of those panels; and to prescribe certain powers and duties of certain state and local officials.

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

Senator Switalski introduced
Senate Bill No. 744, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625a, 625c, 625d, and 625f (MCL 257.625a, 257.625c, 257.625d, and 257.625f), sections 625a, 625c, and 625f as amended by 2003 PA 61 and section 625d as amended by 1994 PA 211.

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

Senator Switalski introduced
Senate Bill No. 745, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 251a.

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

Senator Hammerstrom introduced
Senate Bill No. 746, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 759c.

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

Senator Gilbert introduced
Senate Bill No. 747, entitled

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

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

House Bill No. 4204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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 Government Operations.

Statements

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I come to my colleagues again today asking you to take up the numerous bills that are in committee. The hardship continues to go on.

I have a couple that I will read from my website again today. This person says, "I work hard and I'm on a very tight budget. Finally, after 15 years I was able to purchase a newer vehicle. My insurance rates jumped from \$275 a month for a 1998 Taurus to \$400 a month for a 2002 PT Cruiser. And, no, I did not move. I live in Detroit and only five miles from both the police and fire station. We have a block neighborhood watch and the majority of the residents are senior citizens. I did a little research and found even though I only live one mile from Warren, Michigan, the rates quoted for Warren were half the amount of Detroit. I think it's crazy to charge higher rates because we are supposed to be a big city and crime rates are higher. I disagree being I've lived in Detroit most of my life and only have two incidents; co-workers living outside of Detroit say they experience more problems than myself. Being I have a pretty good driving record and am still being charged crazy prices, I truly hate to see it in a year or two how high my rates will go when my youngest son gets his driver's license. We'll probably have to move out of Detroit for sure by then. Very unhappy insurance payer," and she does sign her name.

This is the second one, "I was born and raised in Detroit. I have been a Detroit resident all of my 61 years. I own my home and I have another property in Detroit. I am seriously thinking about selling both homes and getting out of Detroit and out of the state of Michigan. I am tired of paying more for car insurance, more for homeowners insurance and more for less as far as property. I can live much better on my retirement in another state. It is a shame because I

love my home here in Detroit and I live in a pretty decent neighborhood. I also love my church. Please help a lifelong Detroit resident remain in Detroit. Sincerely,” and she signs her name.

So again to my colleagues, it's time. Let's hurry up and help these people. I keep telling you and you've read it yourself that Detroit is the poorest city in this state, and you know what happens when there is just nothing but poverty. Those who can, leave. It's not fair to the largest city in this state, so I ask you again to take up these bills.

Committee Reports

The Committee on Commerce and Labor reported

Senate Bill No. 664, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

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 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. 665, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

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 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. 666, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

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 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. 667, entitled

A bill to amend 1982 PA 213, entitled “Michigan revised uniform limited partnership act,” by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

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 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, September 6, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy and Schauer

Excused: Senators McManus and Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, September 6, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers and Leland

Excused: Senators Goschka and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, September 6, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom and Jacobs

Excused: Senators Sanborn and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Public hearing held on Tuesday, September 6, 2005, at 7:00 p.m., Northville Township Hall-Community Room, 44405 Six Mile Road, Northville

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, September 8, 9:00 a.m., Room 110, Farnum Building (373-1635)
(CANCELED)

Banking and Financial Institutions - Thursday, September 8, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, September 8, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, September 8, 1:00 p.m., Room 110, Farnum Building (373-1707)

Michigan Capitol Committee - Thursday, September 15, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-0289)
(CANCELED)

Michigan Law Revision Commission - Wednesday, September 14, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senior Citizens and Veterans Affairs - Wednesday, September 14, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:59 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, September 8, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

