

No. 78
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, September 13, 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—present
Cropsey—present

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

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

Minister Dan Seaborn of Winning at Home of Zeeland offered the following invocation:

God, thank You for the privilege to pause. We just ask You to be over this legislative body, and today specifically as they deal with issues, I pray that Your wisdom would be given to this Senate. I ask, Lord, today that You would provide what is needed in these chambers, and we also would pause and ask You to, Father, be with the Senators representing the states where the hurricane has hit; that You would give them wisdom as they deal with some devastating issues. We thank You, Lord, that we can just partner with them even in this prayer.

We ask again Your blessings over this day, and we pray that when it is all done, we would say that we lived in such a way as to honor You and honor each other. In Christ's name we pray. Amen.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:01 a.m.

10:06 a.m.

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

During the recess, Senators Basham, Bernero, Brown, Johnson, Stamas, Patterson, Gilbert, Jelinek, Van Woerkom, Sanborn, McManus, Hardiman, George, Switalski, Bishop, Toy, Cassis, Garcia and Sikkema entered the Senate Chamber.

A quorum of the Senate was present.

By unanimous consent the Senate proceeded to the order of

Messages from the House

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, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding sections 12a and 12b, part II, and a heading for part I; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-2).

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

Senate Bill No. 463, entitled

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

The House of Representatives has concurred in the Senate substitute (S-1) to the House substitute (H-2).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2005 through June 30, 2005, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
 Appropriations
 Banking and Financial Institutions
 Commerce and Labor
 Economic Development, Small Business and Regulatory Reform
 Education
 Families and Human Services
 Finance
 Gaming and Casino Oversight
 Government Operations
 Health Policy
 Judiciary
 Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Technology and Energy
 Transportation

Chairperson

Senator Gerald Van Woerkom
 Senator Shirley Johnson
 Senator Michael Bishop
 Senator Jason Allen
 Senator Alan Sanborn
 Senator Wayne Kuipers
 Senator Bill Hardiman
 Senator Nancy Cassis
 Senator Jason Allen
 Senator Ken Sikkema
 Senator Beverly Hammerstrom
 Senator Alan Cropsey
 Senator Laura Toy
 Senator Patricia Birkholz
 Senator Laura Toy
 Senator Bruce Patterson
 Senator Jud Gilbert

The following communications were received and read:

Office of the Senate Majority Leader

September 8, 2005

Pursuant to Joint Rule 3(a), I have made conferee appointments to the following Conference Committees:

Senate Bill 264: Senator Brown, Senator Jelinek and Senator Barcia
 Senate Bill 266: Senator Jelinek, Senator Goschka and Senator Switalski
 Senate Bill 267: Senator Stamas, Senator George and Senator Cherry
 Senate Bill 268: Senator Cropsey, Senator Brown and Senator Prusi
 Senate Bill 269: Senator Jelinek, Senator Cropsey and Senator Scott
 Senate Bill 270: Senator McManus, Senator Goschka and Senator Barcia
 Senate Bill 271: Senator Hardiman, Senator George and Senator Scott
 Senate Bill 272: Senator Garcia, Senator McManus and Senator Switalski
 Senate Bill 273: Senator Goschka, Senator Johnson and Senator Cherry
 Senate Bill 274: Senator George, Senator McManus and Senator Clarke
 Senate Bill 275: Senator Cropsey, Senator Hardiman and Senator Switalski
 Senate Bill 276: Senator Garcia, Senator Hardiman and Senator Prusi
 Senate Bill 277: Senator Brown, Senator Stamas and Senator Clarke
 Senate Bill 278: Senator McManus, Senator Johnson and Senator Prusi
 Senate Bill 280: Senator Brown, Senator Stamas and Senator Clarke
 Senate Bill 281: Senator Johnson, Senator Stamas and Senator Barcia

September 8, 2005

Pursuant to Joint Rule 3(a), I have made conferee appointments to the following Conference Committees:

House Bill 4887: Senator Jelinek, Senator Cropsey and Senator Switalski
 House Bill 4831: Senator Johnson, Senator Stamas and Senator Prusi

September 12, 2005

Pursuant to Joint Rule 3(a), I have made conferee appointments to the following Conference Committees:

Senate Bill 266: Representative Darwin Booher as Chairperson
 Senate Bill 267: Representative Bruce Caswell as Chairperson
 Senate Bill 268: Representative Jack Brandenburg as Chairperson
 Senate Bill 269: Representative John Moolenaar as Chairperson
 Senate Bill 270: Representative John Pastor as Chairperson
 Senate Bill 273: Representative John Stewart as Chairperson
 Senate Bill 278: Representative Howard Walker as Chairperson

Respectfully yours,
 Ken Sikkema
 Senate Majority Leader

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 8:

House Bill Nos. 4306 5057

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 8, for her approval the following bills:

Enrolled Senate Bill No. 540 at 12:22 p.m.

Enrolled Senate Bill No. 335 at 12:24 p.m.

Enrolled Senate Bill No. 348 at 12:26 p.m.

The Secretary announced that the following official bills were printed on Thursday, September 8, and are available at the legislative website:

Senate Bill Nos. 739 740 741 742 743 744 745 746 747

**House Bill Nos. 5129 5130 5131 5132 5133 5134 5135 5136 5137 5138 5139 5140 5141 5142
5143**

The Secretary announced that the following official bills and joint resolutions were printed on Friday, September 9, and are available at the legislative website:

Senate Bill Nos. 748 749

Senate Joint Resolution F

House Bill Nos. 5144 5145 5146 5147 5148 5149 5150 5151 5152 5153

House Joint Resolution O

Senators Allen, Goschka and Birkholz entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

The motion prevailed.

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

Senate Bill No. 719

House Bill No. 4834

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

Senator Cropsey moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Director, Department of Management and Budget

Ms. Lisa R. Webb Sharpe of 2109 Woodfield Road, Okemos, Michigan 48864, county of Ingham, succeeding Mitch Irwin, who has resigned, appointed for a term commencing August 1, 2005 and expiring at the pleasure of the Governor.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Senator Cropsey moved that rule 3.902 be suspended to allow the guests of Senator Brater admittance to the Senate floor, including the center aisle.

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

Senator Cropsey moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

10:23 a.m.

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

During the recess, Senator Brater introduced the University of Michigan Women's Softball Team and Head Coach Carol Hutchins, 2005 National Collegiate Athletic Association Champions, and presented them with a Special Tribute. Senator Cherry and Coach Hutchins responded briefly.

Messages from the Governor

The following message from the Governor was received and read:

September 9, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1965 PA 278, MCL 390.712:

Saginaw Valley State University Board of Control

Mr. David J. Abbs of 4391 South Marcus Drive, Saginaw, Michigan 48603, county of Saginaw, succeeding Linda Sims, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

Ms. Leola Wilson of 2732 West Auburn Drive, Saginaw, Michigan 48601, county of Saginaw, succeeding Sandra Cotter, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Director, Department of Management and Budget

Ms. Lisa R. Webb Sharpe of 2109 Woodfield Road, Okemos, Michigan 48864, county of Ingham, succeeding Mitch Irwin, who has resigned, appointed for a term commencing August 1, 2005 and expiring at the pleasure of the Governor.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 394

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

Senators Toy, Basham, Clark-Coleman, Goschka and Bernero asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Toy's statement is as follows:

At the request of our Majority Leader, the Committee on Local, Urban and State Affairs last week held a hearing on the appointment of Lisa Webb Sharpe to serve as director of the Department of Management and Budget. At this meeting, our committee unanimously approved a motion to recommend the approval of this appointment.

I found Ms. Webb Sharpe to be straightforward in answering the committee's questions and feel that as a candidate she is qualified to accept the appointment of this position. I would encourage members to consent to the appointment of Lisa Webb Sharpe as director of the Department of Management and Budget. Ms. Webb Sharpe, Mr. President, is in the north Gallery, and minority vice chair, Senator Basham, and I are in unison on this as well.

Senator Basham's statement is as follows:

I rise today to speak in total support of the appointment of Lisa Webb Sharpe as director of the Department of Management and Budget. Ms. Sharpe is fully equipped with the experience necessary to effectively serve Michigan's citizens as DMB director. During the eight years she served under Mayor Archer in Detroit, Ms. Sharpe was one of eight members of the Mayor's cabinet, acting as group executive for the Human Services Department, with responsibilities similar to those of the state's Department of Management and Budget. During that time, she also served as the director of the Mayor's office Neighborhood City Halls and as the executive assistant to the Mayor.

More recently, Ms. Sharpe was the cabinet secretary and public policy director for Governor Granholm, which afforded her the opportunity to work with all state departments on operational and policy issues. In that role, she helped develop and implement the Cabinet Action Plan to help track and measure department performance. The Cabinet Action Plan was a factor in Michigan being rated the third-best managed state in the nation by *Governing* magazine.

Yet, Lisa Webb Sharpe is more than just the qualifications on her resume. She has always operated with a high degree of integrity and ethics, and her many years in state and local government reflects a long-standing commitment to public service. I am confident that she will excel in her role to provide leadership to the personnel of the Department of Management and Budget and to ensure that taxpayers' dollars are managed wisely. Please welcome her in the north Gallery.

Senator Clark-Coleman's statement is as follows:

I rise in support of the appointment of Lisa Webb Sharpe. Lisa and her sister both attended grade school with my daughter, and I saw her grow from a youngster to a very efficient, professional, educated, and very intelligent young lady who has demonstrated through her background and through her past experiences that she is just a top-notch employee. I think that we are very fortunate to have a person with the kind of qualifications that Lisa Webb Sharpe has. I strongly recommend her confirmation.

Senator Goschka's statement is as follows:

I rise in very strong support of Lisa Webb Sharpe as being the director of the Management and Budget Department. She came across as very straightforward, very eminently qualified, a real leader. She has, I think, a rich background that is very capable and will do this state very well and very proud in the job that she will do in this position.

I talked with her personally in my office. She came across very well in the entire committee process, and I'm convinced that if she looks at issues as each and every one come before her, she will give them her personal attention. Lisa Webb Sharpe is an individual whom we will all in the end be very proud of. I just have the greatest of admiration and respect for her, and I would urge that we would support her in this new position where she will serve the people of the state of Michigan.

Senator Bernero's statement is as follows:

I, too, rise in support of the nomination of Lisa Webb Sharpe for director of the Department of Management and Budget. Like my colleagues on the committee, I was impressed with her presentation in the committee. I have been impressed with her in dealing with her in a previous capacity with the Governor's office. This position is very important, in particular, to the area that I represent. The Department of Management and Budget is sort of the tail that wags the dog in downtown and in other property management issues in and around Lansing. So it is a vital position to businesses and to my community.

I have no doubt that Lisa Webb Sharpe will serve with distinction, and I'm looking forward to working with her in this new capacity.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

Senate Bill No. 130

The motion prevailed.

Senate Bill No. 264, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Hansen, Walker and Phillips as conferees to join with Sens. Brown, Jelinek and Barcia.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 266, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Booher, Kooiman and Sak as conferees to join with Sens. Jelinek, Goschka and Switalski.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 267, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Caswell, Kahn and Alma Smith as conferees to join with Sens. Stamas, George and Cherry.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 268, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Brandenburg, Pastor and Alma Smith as conferees to join with Sens. Cropsey, Brown and Prusi.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 269, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has appointed Reps. Moolenaar, Farhat and Plakas as conferees to join with Sens. Jelinek, Cropsey and Scott.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 270, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Pastor, Moolenaar and Kolb as conferees to join with Sens. McManus, Goschka and Barcia.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 271, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has appointed Reps. Shaffer, Kahn and Kolb as conferees to join with Sens. Hardiman, George and Scott.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 272, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has appointed Reps. Acciavatti, Taub and Gonzales as conferees to join with Sens. Garcia, McManus and Switalski.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 273, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Stewart, Kooiman and Brown as conferees to join with Sens. Goschka, Johnson and Cherry.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 274, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports;

to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Amos, Taub and Cheeks as conferees to join with Sens. George, McManus and Clarke.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 275, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has appointed Reps. Steil, Stewart and Cushingberry as conferees to join with Sens. Cropsey, Hardiman and Switalski.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has appointed Reps. Brandenburg, Amos and Kolb as conferees to join with Sens. Garcia, Hardiman and Prusi.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 277, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has appointed Reps. Caul, Walker and Sak as conferees to join with Sens. Brown, Stamas and Clarke.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 278, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Walker, Booher and Williams as conferees to join with Sens. McManus, Johnson and Prusi.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has appointed Reps. Caul, Walker and Sak as conferees to join with Sens. Brown, Stamas and Clarke.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 281, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Taub, Acciavatti and Brown as conferees to join with Sens. Johnson, Stamas and Barcia.

The bill was referred to the Conference Committee on September 12, 2005.

Senate Bill No. 564, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 97.

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.

Senate Bill No. 129, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

Substitute (H-3).

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

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

Roll Call No. 395**Yeas—35**

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

Nays—1

Leland

Excused—1

Hammerstrom

Not Voting—1

Emerson

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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 601, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding sections 1230c and 1230e.

Substitute (H-1).

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

1. Amend page 6, line 15, after "(10)" by striking out "**EXCEPT AS PROVIDED IN SUBSECTION (11),**".
2. Amend page 7, line 8, by striking out all of subsection (11) and renumbering the remaining subsection.

The amendments to the substitute were adopted.

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

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

Roll Call No. 396

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended.

Senate Bill No. 606, entitled

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

(For text of amendments, see Senate Journal No. 77, p. 1211.)

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 397**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

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.

The Senate agreed to the full title.

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

Senate Bill No. 607, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

Substitute (H-2).

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

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

Roll Call No. 398**Yeas—37**

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

Nays—0

Excused—1

Hammerstrom

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. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 609, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House, The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 399

Yeas—36

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

Nays—0

Excused—1

Hammerstrom

Not Voting—1

Emerson

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.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 611, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 400

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

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.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 615, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5f, and 5g.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 401**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

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.

The Senate agreed to the title as amended.

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

Senate Bill No. 616, entitled

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

Substitute (H-1).

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

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

Roll Call No. 402**Yeas—37**

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

Nays—0

Excused—1

Hammerstrom

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. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senator Cropsy 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 Kuipers 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:

Senate Bill No. 719, entitled

A bill to amend 1972 PA 299, entitled "An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities," by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

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. 4834, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

Substitute (S-8).

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

1. Amend page 5, following line 10, by inserting:

"(4) A person may continue to engage in the business of providing deferred presentment service transactions in this state after April 1, 2006 and without a license until 1 of the following occurs:

(a) The person fails to meet its applications deadline.

(b) The commissioner acts on the person's complete application."

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsy moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4834

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

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

House Bill No. 4834, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 23, line 16, after “to” by striking out “\$600.00” and inserting “\$500.00”.

2. Amend page 23, line 22, by striking out all of subdivision (a) and inserting:

“(a) An amount that does not exceed 10% of the deferred presentment service transaction.”.

3. Amend page 24, line 9, by striking out all of subdivision (b) and inserting:

“(b) An additional amount for database verification under section 34(5) that does not exceed \$5.00.”.

4. Amend page 28, line 13, after “fee” by striking out “for the actual costs of” and inserting “under section 33(1)(b) for”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 403

Yeas—16

Barcia	Cherry	Leland	Schauer
Basham	Clark-Coleman	Olshove	Scott
Bernero	Clarke	Patterson	Switalski
Brater	Jacobs	Prusi	Toy

Nays—21

Allen	Emerson	Hardiman	Sanborn
Birkholz	Garcia	Jelinek	Sikkema
Bishop	George	Johnson	Stamas
Brown	Gilbert	Kuipers	Thomas
Cassis	Goschka	McManus	Van Woerkom
Cropsey			

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

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. 404

Yeas—31

Allen	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Sikkema
Bernero	Garcia	Kuipers	Stamas

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

Nays—6

Barcia	Clark-Coleman	Patterson	Scott
Brater	Clarke		

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

Senator Cropsey moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protests

Senators Scott and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4834.

Senator Scott moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement, in which Senator Clark-Coleman concurred, is as follows:

I do want to thank everyone for their support of my amendment; the ones who voted for it. You know, we’ve been dealing with this for a long time. We either take care of folks, or we don’t take care of them. We don’t half-way do things. Either we give them some real relief, or we don’t do anything. For four years now, we’ve been dealing with this.

I will not be able to support this because, to me, it just says, OK, you are legitimate now. It’s basically loan-sharking and now you have legitimized them to do this. There are some things that you can work on and make some compromises on. As you know, I have been fighting for a long time on these insurance rates. Now we find out that Detroit is the poorest city in this country, and now we say that it is OK to those who are helping them become poor, but I cannot do that. I have to stand by my convictions because some of those people now don’t even have a job, so they can’t even participate in this illegitimate scheme. This is what we are doing. If New Orleans wasn’t something for us to really deal with, then I don’t know what there is. You see how those poor people were left behind. There are some more poor people who are just going to be left behind. We have to say that we’re going to stand up for people all the way, or we just don’t do it.

After four years and you are still going to go along. You might as well have supported it four years ago. Well, Mr. Lieutenant Governor, I cannot because I have to stand up for those who in the Bible it says, “The least of these you have done it unto me.”

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

The motion prevailed.

Senator Jacobs' statement is as follows:

I rise to support passage of House Bill No. 4834. I particularly want to thank my good colleague from the 2nd Senate District in Highland Park for her leadership and advocacy on this issue. We all have things in this bill we feel are not perfect, but this bill is far too long in coming. This bill will for the first time provide sorely needed consumer protections to our constituents who are customers of the payday lending industry. For the first time, we are taking action to make sure that our constituents do not get caught in a serious cycle of debt and extraordinary interest rates. For the first time, we are capping these rates and assuring that we will no longer hear about our constituents being charged 30 and 40 percent on payday loans.

I am very happy that we are finally acting on a bill that members on both sides of the aisle can support. I urge my colleagues to support this bill.

Senator Thomas' statement is as follows:

Like my colleague, the previous speaker, I also rise in support of House Bill No. 4834 not because I'm a fan of the payday advance industry, but because since 1999, we have struggled in Michigan to find a solution to the growing expansion of this industry.

Like my colleague from Highland Park, I represent one of those districts where just about on every street corner now there is a payday advance place opening. You can't keep track of how many times these places do open. We've been trying to regulate this industry in Michigan now for six years. This finally gets us on a level playing field where we can regulate this industry and provide true consumer protection.

This bill, frankly, is one of the best and toughest bills any state has passed in the nation. We will have the lowest fees of any state in the Great Lakes region, and certainly, the nation. We will have a limited number of advances that a customer can have at one time, which is dramatic improvement from where this legislation was six years ago when it was first introduced. We will have real and full disclosure of all costs, which we've never had, a complaint process for consumers, and very important, an extended payment plan so that when folks do over leverage themselves, there is a realistic opportunity to get out from under this debt.

While this legislation is not perfect, it is the best we could get at this time. It is reasonable and prudent consumer protection, and I'm very pleased that the Legislature is taking this action now to regulate this industry. It's simply not going away. We have to make sure that all people have fair protections, and this legislation ensures that.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 28.

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

Whereas, The Department of Corrections Riverside Correctional Facility Power Plant Automation project was authorized in 2003 PA 193 with a total project cost of \$3,000,000; and

Whereas, The Department of Corrections, together with the Department of Management and Budget, has estimated that the total cost to complete the Riverside Correctional Facility Power Plant Automation project has increased to \$4,500,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Department of Corrections Riverside Correctional Facility Power Plant Automation project to an amount not to exceed \$4,500,000 (State Building Authority share \$4,499,900 and the State General Fund/General Purpose share \$100) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Director of the Department of Corrections.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution, Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations. The motion prevailed.

Introduction and Referral of Bills

Senators Jelinek, Switalski, Cropsey, Goschka, Bishop and Kuipers introduced

Senate Bill No. 750, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52.

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

Senators Allen, Bishop, Goschka and Birkholz introduced

Senate Bill No. 751, entitled

A bill to amend 1929 PA 137, entitled "An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers," by amending section 19 (MCL 455.219).

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

Senator McManus introduced

Senate Bill No. 752, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 1114 (MCL 436.1525 and 436.2114), section 525 as amended by 2004 PA 266 and section 1114 as added by 2004 PA 134, and by adding section 1116.

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 Cherry, Prusi, Clark-Coleman, Toy, Schauer, Jacobs, Basham, Barcia, Olshove, Brater and Scott introduced

Senate Bill No. 753, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 3 and 11 (MCL 445.903 and 445.911), section 3 as amended by 2004 PA 462, and by adding section 3e.

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

Senator Brown introduced

Senate Bill No. 754, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 102, 202, 208, and 304 (MCL 484.2102, 484.2202, 484.2208, and 484.2304), section 102 as amended by 1998 PA 41, sections 202 and 208 as amended by 1995 PA 216, and section 304 as amended by 2000 PA 295; 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 Technology and Energy.

Senators Patterson, Hammerstrom, Basham, Clark-Coleman, Barcia, Cropsey, Hardiman, Jacobs, Toy, Olshove, Jelinek, Allen, Cherry, Kuipers, Clarke, Garcia, Goschka, Scott and Bishop introduced

Senate Bill No. 755, 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,” by amending sections 10a and 10d (MCL 460.10a and 460.10d), section 10a as amended by 2004 PA 88 and section 10d as amended by 2002 PA 609; 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 Technology and Energy.

House Bill No. 4306, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6 and 17b (MCL 388.1606 and 388.1617b), section 6 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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.

Senator Cropsey moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5057, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 91.

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.

Statements

Senator Birkholz stated that had she been present on September 8 when the votes were taken on concurring in the House amendments and substitutes to the following bills, she would have voted “yea”:

House Bill No. 4436

Senate Bill No. 373

Senate Bill No. 620

Senator Birkholz stated that had she been present on September 8 when the votes were taken on the passage of the following bills, she would have voted “yea”:

Senate Bill No. 658

Senate Bill No. 548

Senate Bill No. 549

Senate Bill No. 550

Senate Bill No. 470

Senators Bishop 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 Bishop’s statement is as follows:

Over the past several weeks, our nation has been challenged by a number of issues and difficult times. It seems like one thing after the next has been happening in this country—one tragic event after the other. We also had a Memorial Day weekend, and we also had an opportunity to reflect on what happened on 9/11/2001. During that time, a lot of things have happened, and I think we can be excused if other events during that time frame have come and gone with little or muted recognition. Yet, as elected officials in an environment with a limited tenure, we would be remiss in not observing the life of the late Justice William Rehnquist.

Whether one agrees with Justice Rehnquist’s temperament or judicial philosophy, it is important to note that he dedicated the majority of his life to serving our nation with courage, dignity, and distinction. From his service in the

U.S. Army Air Corps during World War II through his 33-year career on the highest court in the land, William Rehnquist found his purpose and calling in serving and honoring the ideals upon which this country was founded.

Much like those of us serving here today, Justice Rehnquist brought his own unique and distinct style to the offices he held. When he was first nominated to the nation's highest court by President Richard Nixon, Justice Rehnquist often found himself dissenting from his other justices. He earned the nickname, the moniker, the "Lone Ranger," a label that he wore with honor and distinction. In fact, he used that as his opportunity to hone his very distinct writing style.

Later when President Reagan nominated him to become the Supreme Court Chief Justice, he developed a far different leadership style than what we saw with the retiring Chief Justice Warren Burger. While he ran the court with a businesslike manner, he never failed to dismiss people from his courtroom who did not show the proper honor and reverence to the court and to his fellow man. He also had the uncanny ability to keep things light-hearted with a certain sense of humor that could put almost anyone at ease.

As a young lawyer, I had the opportunity before the Supreme Court. I remember the day that I was asked to appear. They read my motion and accepted my motion to become a member of the Supreme Court Bar of the United States. I remember Judge Rehnquist calling my name and I could feel the hair on the back of my neck stand straight out, the chills up and down my arms. I was in awe of the court. The Chief Justice looked at me and in his own way gave me a quick half smile and a wink and said welcome to the practice of law, counselor, at the Supreme Court of the United States. I will never forget the respect and the admiration I had for him that day. Everything this man stood for was out of the deepest respect for the court in which he served, for the profession in which he served, and for his fellow man.

He spoke with feeling about the need to choose wisely, to do a job well, and he never forgot to remind us of the other things that are important: love for one another, to be a good parent, service to community. Yet, as often is the case in life, facts conspire to bury his memory on the second page of the news on the day of his death. Maybe the lead story was something completely different on the news that day. Maybe it was appropriate that in the midst of all this tragedy that we are seeing in this country, the example of Judge Rehnquist's life was on display for all of us to recall and emulate.

We, in this chamber and those across in the hall next to us, try with the time given to us to create a sanctuary, safe and strong for the citizens of this great state. Whether any of us achieve the impact that Chief Justice Rehnquist had on this nation is left to be seen. But in our daily efforts to serve the public, let us remember the example he set by his professional conduct, legacy of respect, and most importantly, his life as a loyal family man and an American.

Senator Scott's statement is as follows:

Well, I pulled some more from my website. I just want my colleagues to really now how important it is that we take care of these people; that we treat them equally. No one is asking for anything. We just want to be charged for the kind of car we drive and our driving record.

Here's a couple from my website. "I know that because I live in the university district that my insurance is too high. I have an excellent driving record and have not made an insurance claim in over eight years."

The next one says, "I have made no claims on my homeowners insurance since the ice storm of 1999 and yet my insurance has more than doubled. I have no tickets, points, accidents on my driving record and yet my insurance has more than doubled. I live in Detroit because I love this city, however, now that I'm retired I am finding it difficult to afford. Why can't we be charged for insurance based on our personal performance rather than an address? Six blocks south of Eight Mile and more than twice the cost."

Let's get real and do what is right for people. I just told you that Detroit is the poorest city in this country, yet it is the largest city in this state, and we can't have affordable insurance. Shame on us.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 502, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, Bernero and Jacobs

Nays: Senator George

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4996, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16625 (MCL 333.16625), as amended by 1991 PA 58.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, September 7, 2005, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

The Committee on Banking and Financial Institutions reported

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.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, September 8, 2005, at 12:05 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland and Olshove

Excused: Senator Clark-Coleman

The Committee on Education reported

House Bill No. 4143, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 4144, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

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 Education submitted the following:

Meeting held on Thursday, September 8, 2005, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom and Leland

Excused: Senator Clark-Coleman

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 719, entitled

A bill to amend 1972 PA 299, entitled "An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities," by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4834, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

With the recommendation that the substitute (S-7) be adopted and that the bill then pass.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

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 Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, September 7, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:
Meeting held on Thursday, September 8, 2005, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Toy (C), Goschka, Basham and Bernero
Excused: Senator Birkholz

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, September 15, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittee -**

Capital Outlay - Thursday, September 15, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Conference Committees -

Agriculture (SB 264) - Thursday, September 15, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Community Colleges (SB 266) - Thursday, September 15, 8:00 a.m., Room 424, Capitol Building (373-8080)

General Government (SB 272) - Wednesday, September 14, 5:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

History, Arts, and Libraries (SB 274) - Wednesday, September 14, 9:30 a.m., Room 405, Capitol Building (373-0793)

Judiciary (SB 275) - Wednesday, September 14, 3:00 p.m. or later immediately following House session, Room 100, Farnum Building (373-3760)

Labor and Economic Growth (SB 276) - Wednesday, September 14, 3:15 p.m., Room 405, Capitol Building (373-2420)

Military and Veterans Affairs (SB 277) - Thursday, September 15, 9:45 a.m., Rooms 402 and 403, Capitol Building (373-5932)

Natural Resources (SB 278) - Thursday, September 15, 9:00 a.m., Room 426, Capitol Building (373-8080)

State Police (SB 280) - Thursday, September 15, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5932)

Economic Development, Small Business and Regulatory Reform - Wednesday, September 14, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, September 15, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, September 14, 12:30 p.m., Room 110, Farnum Building (373-1758)

Michigan Capitol Committee - Thursdays, September 15 (CANCELED), and October 6, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-0289)

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)

Technology and Energy - Wednesday, September 14, 1:00 p.m., Room 210, Farnum Building (373-7350)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:46 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 14, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate