

No. 97
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, November 1, 2005.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—present
Hardiman—present
Jacobs —present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Minister David Parks of Waterford Church of Christ of Waterford offered the following invocation:

O Lord, our Lord, how excellent is Your name in all the earth. Lord, when we consider the sun, the moon, and the stars the mere work of Your fingers and the heavens the work of Your hands, we stand in amazement that such a great and glorious and powerful God would be willing to listen to us as we lift our requests and petitions to You this day.

Father, we know that You are a gracious and loving God and that You've promised that if anyone lacks wisdom, that if they will ask, that You will give generously. Father, we each freely admit our need for more wisdom to do the people's business, and we pray that You will graciously bestow that wisdom on this august assembly at this time, that we may each carry out our designated task this day to the service of the people around us.

In the name of Your Son Jesus, we pray. Amen.

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

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:23 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

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

A quorum of the Senate was present.

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.

Senator Schauer moved that Senators Scott and Thomas be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 27:
House Bill Nos. 5043 5044 5091 5169 5293

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 27, for her approval the following bill:

Enrolled Senate Bill No. 480 at 2:07 p.m.

The Secretary announced that the following official bills were printed on Thursday, October 27, and are available at the legislative website:

Senate Bill Nos. 845 846 847

House Bill Nos. 5366 5367 5368 5369 5370 5371 5372 5373 5374 5375 5376

The Secretary announced that the following official bills were printed on Friday, October 28, and are available at the legislative website:

Senate Bill Nos. 848 849 850 851 852

House Bill Nos. 5377 5378 5379 5380

Messages from the Governor

The following message from the Governor was received on October 28, 2005, and read:

EXECUTIVE ORDER No. 2005-26

Amendment of Executive Order 2005-1 State Office of Administrative Hearings and Rules

Executive Reorganization

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the centralization of state government functions relating to the processing and promulgation of administrative rules and the conduct of administrative hearings in a State Office of Administrative Hearings and Rules ("SOAHR") has eliminated unnecessary duplication and facilitated more effective implementation of policy;

WHEREAS, it is necessary and desirable to amend Executive Order 2005-1 to clarify those administrative hearing functions and personnel not subject to transfer and consolidation under Executive Order 2005-1;

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 Michigan law, order:

Section IV of Executive Order 2005-1 is amended to read as follows:

IV. ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL NOT SUBJECT TO TRANSFER

A. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources related to the appeal, review of, or final determination regarding a decision or proposed decision issued by a Hearing Officer for a Department or Agency shall remain with the Department or Agency, and are not transferred under Section III.

B. No authority, powers, duties, functions, responsibilities, property, records, personnel, or funds held by the Civil Service Commission solely under the authority granted to the Commission by Section 5 of Article XI of the Michigan Constitution of 1963 are transferred under Section III, unless approved by the Civil Service Commission.

C. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources involved in any of the following activities related to administrative hearing functions are not transferred to the State Office of Administrative Hearings and Rules under Section III:

1. Hearings conducted by an elected state officer, a member or members of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

2. An informal conference not subject to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, under Michigan law.

3. Any hearings conducted by the State Administrative Board or a committee of the State Administrative Board.

4. Hearings conducted by an independent hearing officer under Part 5 of The Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1501 to 550.1518.

5. Hearings conducted by an independent hearing officer under Part 6 of the Nonprofit Healthcare Corporation Reform Act, 1980 PA 350, MCL 550.1601 to 550.1619, except for an administrative hearing conducted under Section 1605 of the Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1605.

6. Hearings conducted by independent hearings officers selected by the Commissioner of Financial and Insurance Services from a list submitted by the American Arbitration Association under Subsection (3) of Section 2030 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2030.

7. Administrative hearings conducted by the Department of Civil Rights consistent with the power of the Civil Rights Commission to conduct hearings under Section 29 of Article V of the Michigan Constitution of 1963.

8. Administrative hearings conducted by the Department of State under any of the following:

a. 1978 PA 472, MCL 4.411 to 4.431 (lobbyists, lobbying agents, and lobbying activity).

b. The Michigan Notary Public Act, 2003 PA 238, MCL 55.261 to 55.315.

c. The Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992.

d. The Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 to 169.282.

e. The Driver Education and Training Schools Act, 1974 PA 369, MCL 256.601 to 256.612.

f. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.

g. The Motor Vehicle Service and Repair Act, 1974 PA 300, MCL 257.1301 to 257.1340.

h. Section 80190 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80190 (marine safety).

i. Section 81140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81140 (off-road recreation vehicles).

j. Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160 (snowmobiles).

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective January 1, 2006 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 28th day of October, 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 Committee on Government Operations.

The following message from the Governor was received and read:

October 28, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 2 of 1978 PA 389, MCL 400.1502:

Domestic Violence Prevention and Treatment Board

Ms. Princella E. Graham of 2185 Golfview Drive, Apt. 202, Troy, Michigan 48084, county of Oakland, succeeding Shirley Mann Gray, whose term has expired, representing persons with experience in an area related to the problems of domestic violence, for a term commencing October 28, 2005 and expiring September 30, 2007.

The Honorable Nathaniel C. Perry III of 3102 Circle Drive, Flint, Michigan 48507, county of Genesee, succeeding Judge Edward Sosnick, whose term has expired, representing persons with experience in an area related to the problems of domestic violence, for a term commencing October 28, 2005 and expiring September 30, 2007.

Ms. Lore A. Rogers of 7044 Whitmore Lake Road, Whitmore Lake, Michigan 48189, county of Washtenaw, reappointed to represent persons with experience in an area related to the problems of domestic violence, for a term expiring September 30, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2005 PA 118.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1) and agreed to the title as amended.

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

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 708, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending section 3 (MCL 752.1063).

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. 365, entitled

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

(For text of amendment, see Senate Journal No. 96, p. 2076.)

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

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

Roll Call No. 543

Yeas—36

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

Nays—0

Excused—2

Scott	Thomas
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Not Voting—0

In The Chair: Sanborn

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.

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

Third Reading of Bills

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

House Bill No. 4726

The motion prevailed.

The following bill was read a third time:

House Bill No. 4726, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1177a. 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. 544

Yeas—36

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

Nays—0

Excused—2

Scott

Thomas

Not Voting—0

In The Chair: Sanborn

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 provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Kuipers as Chairperson.

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

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

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. 712, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 303a (MCL 750.303a), as added by 1996 PA 539.

Substitute (S-1).

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

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

House Bill No. 4860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 32.

Substitute (S-2).

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

Senator Schauer moved that Senator Jacobs be excused from the balance of today's session.

The motion prevailed.

Senator Hammerstrom moved that Senator Sikkema be excused from the balance of today's session.

The motion prevailed.

Resolutions

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.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senator Kuipers introduced

Senate Bill No. 853, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), section 622 as amended by 2001 PA 127 and section 1223 as amended by 1997 PA 47.

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

Senators Basham, Brater, Clarke, Emerson, Schauer, Switalski, Jacobs, Olshove, Thomas, Cherry, Scott, Prusi, Bernero, Leland and Clark-Coleman introduced

Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30301, and 30304 (MCL 324.30101, 324.30102, 324.30301, and 324.30304), section 30101 as amended by 1999 PA 106, section 30102 as added by 1995 PA 59, section 30301 as amended by 2003 PA 14, and section 30304 as amended by 2004 PA 325, and by adding sections 30102a, 30104a, 30104b, 30304a, and 30304b.

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

Senators Brater, Basham, Emerson, Schauer, Clarke, Switalski, Jacobs, Olshove, Cherry, Scott, Prusi, Bernero, Leland and Clark-Coleman introduced

Senate Bill No. 855, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32704a.

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

Senators Brater, Basham, Emerson, Clarke, Switalski, Jacobs, Olshove, Thomas, Cherry, Scott, Prusi, Bernero, Leland and Clark-Coleman introduced

Senate Bill No. 856, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32704a.

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

Senators Brater, Basham, Emerson, Schauer, Clarke, Switalski, Jacobs, Olshove, Cherry, Scott, Prusi, Bernero, Leland and Clark-Coleman introduced

Senate Bill No. 857, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

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

Senators Cherry, Brater, Basham, Emerson, Schauer, Clarke, Switalski, Jacobs, Olshove, Thomas, Scott, Prusi, Bernero, Leland and Clark-Coleman introduced

Senate Bill No. 858, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701 and 32706 (MCL 324.32701 and 324.32706), section 32701 as amended by 2003 PA 148 and section 32706 as amended by 1996 PA 434, and by adding section 32707a.

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

Senator Cassis introduced

Senate Bill No. 859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2003 PA 140.

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

House Bill No. 5043, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5044, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5091, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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 Appropriations.

House Bill No. 5169, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 323c (MCL 257.319 and 257.323c), as amended by 2004 PA 362.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5293, entitled

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," (MCL 565.451 to 565.453) by adding section 1d.

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 Local, Urban and State Affairs.

Statements

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

The motion prevailed.

Senator Brown's statement is as follows:

Today, Senate Bill No. 175 goes to the Governor for her signature. This legislation was introduced at the suggestion of the St. Joseph County economic development director, Mr. David Allen, and it appeared before this body in the same broad form in which it was originally suggested. In fact, it was suggested at an economic development summit, Mr. President. It is being sent to the Governor because we are in no position in Michigan, when we rank near the bottom of the states in terms of unemployment, to pick and choose which communities should have the right to offer tax abatements, not to mention which jobs we are approving of—a job is a job. All honest work dignifies the individual.

And so, Mr. President, we need to empower our local units of government with the ability to offer this abatement, if they so choose, to attract and retain quality jobs at a time when they are so desperately needed.

The Governor needs to realize, Mr. President, that Michigan's 272 cities, 262 villages, and 1,242 townships aren't at a competitive disadvantage with Japan or Germany or India on this point; they are at a competitive disadvantage with Indiana, Illinois, and Ohio. Mr. President, before we visit the Pacific Rim to secure jobs in Michigan, let's look around the Great Lakes Basin to Indiana, Ohio, and Illinois. They have this tool provided to their locals in order to empower local units of government to expand job creation in their state. So before we visit Tokyo, Japan, let's visit Kendallville, Indiana. Indiana's governor is working to make his state the distribution and logistics center of the country and we can't compete on a city by city, village by village, piecemeal approach to attracting and retaining these businesses. We need to be statewide in our vision.

Mr. Chairman, I would respectfully ask the Governor of the state of Michigan, Jennifer Granholm, to sign Senate Bill No. 175.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 88, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3519, 3523, 3529, 3533, 3569, and 3571 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3533, 500.3569, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3523 and 3529 as amended by 2002 PA 304, and sections 3533, 3569, and 3571 as added by 2000 PA 252.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4403, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 1999 PA 60.

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 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, October 26, 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 Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4369, entitled

A bill to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; 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 certain local governmental officials; and to provide penalties.

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, 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. 5050, 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 9 (MCL 207.559), as amended by 1999 PA 140.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Gilbert, Jacobs and Basham

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, October 26, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Allen

The Committee on Banking and Financial Institutions reported

Senate Resolution No. 69.

A resolution to urge the Federal Emergency Management Agency to reject proposed revisions to floodplain elevation thresholds in St. Clair County.

(For text of resolution, see Senate Journal No. 88, p. 1784.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to urge the Federal Emergency Management Agency to reject proposed revisions to floodplain elevation thresholds in St. Clair County.

Whereas, Under the National Flood Insurance Program, property that is located within floodplains is required to be covered with flood insurance that the owner must purchase. Floodplains are determined by land elevation levels, which are identified as Base Flood Elevations; and

Whereas, Officials of the Federal Emergency Management Agency (FEMA) have issued documents that indicate that the Base Flood Elevations will be raised in parts of St. Clair County. The impact of this adjustment in elevation threshold would be to place a significant number of residences and businesses within mandatory flood insurance areas; and

Whereas, The costs of flood insurance for buildings that fall within the redrawn floodplains will be a significant added expense for the property owners affected. These property owners bought their homes and places of business with the assurance that they were not within the floodplain, and now, with this adjustment in elevation, they will be incurring major costs for insurance they will no more likely ever need. The fact that water levels throughout the entire Great Lakes Basin are at near-record low levels compounds the inappropriateness of the elevation threshold change; and

Whereas, According to a 2002 study by the Upper Great Lakes Plan of Study Team, a task force appointed by the International Joint Commission, there are growing concerns about climate change and the impact it may have on the water levels of the Great Lakes. Results from some global modeling studies show a decrease of water supplies across the Great Lakes, which would result in even lower water levels and decreased outflows; and

Whereas, For those who would now have to purchase federal flood insurance—at several hundred dollars a year—the raising of the floodplain threshold amounts to a penalty that would be felt far into the future, especially as the market value of impacted properties suffers needlessly; and

Whereas, Over the past 25 years, property owners in Clay Township alone have paid millions of dollars in flood insurance premiums. During that same period, Clay Township residents have only collected approximately one million dollars in flood insurance claims. The remaining money from those premiums has gone to Washington, D.C., to subsidize flood insurance claims in higher risk areas of the country; now, therefore, be it

Resolved by the Senate, That we urge the Federal Emergency Management Agency to reject the proposed revisions to floodplain elevation thresholds in St. Clair County; and be it further

Resolved, That a copy of this resolution be transmitted to the Federal Emergency Management Agency.

Michael D. Bishop
Chairperson

To Report Out:

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

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, October 27, 2005, at 12:00 noon, Room 100, Farnum Building

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 788, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, October 27, 2005, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submitted the following:

Meeting held on Wednesday, October 26, 2005, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Allen (C), Bishop, Birkholz, Olshove and Emerson

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Thursday, October 27, 2005, at 9:00 a.m., Room S-101, Capitol Building

Present: Senators Sikkema (C), Johnson, Stamas, Emerson and Prusi

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, November 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, November 2, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

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

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

Banking and Financial Institutions - Thursday, November 3, 1:00 p.m., Room 100, Farnum Building (373-2417)

Finance - Wednesday, November 2, 1:00 p.m., Room 110, Farnum Building (373-1758)

Michigan Capitol Committee - Tuesdays, November 8 (CANCELED) and November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

Senior Citizens and Veterans Affairs - Wednesday, November 2, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:56 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 2, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

