

No. 113
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, December 29, 2005.

11:30 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Senator Kenneth R. Sikkema of the 28th District offered the following invocation:

Our Lord and our God, as we reflect upon this past year, we want to thank You for Your many gifts and blessings to all of us—individuals, our families, and to our communities in this state.

When times are challenging, we tend to think of the challenges and the difficulties but fail to recognize how every day You give us many things, many gifts, and blessings, and for that we are most grateful.

We are particularly grateful for the opportunity that You have given us to serve our fellow citizens. As we anticipate the new year that is shortly to begin, we ask You to help us to meet the expectations not just of our constituents, but, more importantly, of You.

This and more we ask in Your name. Amen.

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

Motions and Communications

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

October 28, 2005

In accordance with the provisions of MCL 24.248, this is to advise you that the Department of Labor and Economic Growth, Office of Policy and Legislative Affairs filed at 10:36 a.m. this date, administrative rule (05-10-07E) for the Department of Labor and Economic Growth, Public Service Commission, entitled “*Emergency Billing Practices for Retail Customers*.” These rules take effect upon filing with the Secretary of State and shall be effective until March 31, 2006.

December 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of

Administrative Hearings and Rules filed at 4:40 p.m. this date, administrative rule (05-12-01) for the Department of Community Health, Director's Office, entitled "*Board of Audiology General Rules.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:42 p.m. this date, administrative rule (05-12-02) for the Department of State Police, Michigan Commission on Law Enforcement Standards, entitled "*Public Safety Officers Benefit Program.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:44 p.m. this date, administrative rule (05-12-03) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Licensing Qualifications.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:46 p.m. this date, administrative rule (05-12-04) for the Department of Labor and Economic Growth, Director's Office, entitled "*Rehabilitation Code.*" These rules take effect 90 days after filing with the Secretary of State.

December 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 4:48 p.m. this date, administrative rule (05-12-05) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 4. Building Code.*" These rules take effect 90 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communications were received:
Department of Human Services

December 7, 2005

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal	Grand Traverse/Leelanau County DHS	CP280201153

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

December 12, 2005

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal	Chippewa County DHS	CP170201061
Renewal	Mackinac County DHS	CP490201268

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

The communications were referred to the Secretary for record.

The following communications were received:

Office of the Auditor General

December 15, 2005

Enclosed is a copy of my Oath of Office, dated December 9, 2005, relative to my appointment as Auditor General. Please read it into the record.

Thank you for your consideration.

December 22, 2005

Enclosed is a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ending September 30, 2005 and 2004.

If you have questions regarding this report, please call me; Scott M. Strong, C.P.A., Deputy Auditor General; or Mark A. Freeman, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

December 28, 2005

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of Adult Protective Services, Family Independence Agency.

December 28, 2005

Enclosed is a copy of the following audit report:

Performance audit of the Office of Quality Assurance, Department of Human Services.

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

The communications were referred to the Secretary for record.

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 July 1, 2005 through September 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

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

Judiciary
 Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Technology and Energy
 Transportation

Senator Alan Cropsey
 Senator Laura Toy
 Senator Patricia Birkholz
 Senator Laura Toy
 Senator Bruce Patterson
 Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 14:

House Bill Nos. 4796 4799 4800 4853

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 14, for her approval the following bills:

Enrolled Senate Bill No. 88 at 10:25 a.m.
Enrolled Senate Bill No. 161 at 10:27 a.m.
Enrolled Senate Bill No. 380 at 10:29 a.m.
Enrolled Senate Bill No. 457 at 10:31 a.m.
Enrolled Senate Bill No. 668 at 10:33 a.m.
Enrolled Senate Bill No. 669 at 10:35 a.m.
Enrolled Senate Bill No. 723 at 10:37 a.m.
Enrolled Senate Bill No. 892 at 4:19 p.m.
Enrolled Senate Bill No. 893 at 4:21 p.m.
Enrolled Senate Bill No. 894 at 4:23 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, December 15, for her approval the following bills:

Enrolled Senate Bill No. 909 at 11:19 a.m.
Enrolled Senate Bill No. 203 at 11:21 a.m.
Enrolled Senate Bill No. 634 at 11:23 a.m.
Enrolled Senate Bill No. 910 at 11:25 a.m.
Enrolled Senate Bill No. 236 at 11:30 a.m.
Enrolled Senate Bill No. 785 at 2:32 p.m.
Enrolled Senate Bill No. 829 at 2:34 p.m.
Enrolled Senate Bill No. 830 at 2:36 p.m.
Enrolled Senate Bill No. 778 at 2:38 p.m.
Enrolled Senate Bill No. 252 at 2:40 p.m.
Enrolled Senate Bill No. 254 at 2:42 p.m.
Enrolled Senate Bill No. 253 at 2:44 p.m.
Enrolled Senate Bill No. 444 at 2:46 p.m.
Enrolled Senate Bill No. 685 at 2:48 p.m.
Enrolled Senate Bill No. 686 at 2:50 p.m.
Enrolled Senate Bill No. 714 at 2:52 p.m.
Enrolled Senate Bill No. 341 at 2:54 p.m.
Enrolled Senate Bill No. 456 at 2:56 p.m.

The Secretary announced the enrollment printing, certification and filing with the Secretary of the State on Thursday, December 15, of the following joint resolution:

Enrolled Senate Joint Resolution E at 1:55 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 20, for her approval the following bills:

Enrolled Senate Bill No. 448 at 11:55 a.m.
Enrolled Senate Bill No. 529 at 2:56 p.m.
Enrolled Senate Bill No. 530 at 2:58 p.m.

The Secretary announced that the following official bills were printed on Wednesday, December 14, and are available at the legislative website:

Senate Bill Nos. 932 933 934 935 936 937 938

House Bill Nos.	5495	5496	5497	5498	5499	5500	5501	5502	5503	5504	5505	5506	5507	5508
	5509	5510	5511	5512	5513	5514	5515	5516	5517	5518	5519	5520	5521	5522
	5523	5524	5525	5526	5527	5528								

Messages from the Governor

The following messages from the Governor were received:

Date: December 14, 2005

Time: 9:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 654 (Public Act No. 265), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

(Filed with the Secretary of State on December 16, 2005, at 10:49 a.m.)

Date: December 15, 2005

Time: 1:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 625 (Public Act No. 268), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

(Filed with the Secretary of State on December 16, 2005, at 10:55 a.m.)

Date: December 18, 2005

Time: 7:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 457 (Public Act No. 274), being

An act to authorize the state administrative board to convey certain parcels of state owned property in Ionia county and in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain

state officers, departments, and agencies with regard to the conveyances; and to provide for disposition of revenue derived from the conveyances.

(Filed with the Secretary of State on December 19, 2005, at 12:00 p.m.)

Date: December 19, 2005

Time: 2:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 722 (Public Act No. 277), being

An act to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments,” by amending section 11 (MCL 338.2211), as amended by 2003 PA 87.

(Filed with the Secretary of State on December 19, 2005, at 3:22 p.m.)

Date: December 19, 2005

Time: 2:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 723 (Public Act No. 278), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 601, 602, 721, 723, 725, 729, 732, 734, and 735 (MCL 339.601, 339.602, 339.721, 339.723, 339.725, 339.729, 339.732, 339.734, and 339.735), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, sections 721, 723, 729, 732, 734, and 735 as added by 1997 PA 10, and section 725 as amended by 1998 PA 380.

(Filed with the Secretary of State on December 19, 2005, at 3:24 p.m.)

Date: December 19, 2005

Time: 2:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 724 (Public Act No. 279), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 125.

(Filed with the Secretary of State on December 19, 2005, at 3:26 p.m.)

Date: December 19, 2005
Time: 2:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 34 (Public Act No. 280), being

An act to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

(Filed with the Secretary of State on December 19, 2005, at 3:28 p.m.)

Date: December 19, 2005
Time: 2:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 161 (Public Act No. 307), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

(Filed with the Secretary of State on December 27, 2005, at 10:05 a.m.)

Date: December 19, 2005
Time: 2:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 380 (Public Act No. 281), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

(Filed with the Secretary of State on December 19, 2005, at 3:30 p.m.)

Date: December 19, 2005
Time: 2:22 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 668 (Public Act No. 282), being

An act to amend 1998 PA 381, entitled “An act to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public

or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons,” by amending the title and sections 2 and 3 (MCL 289.822 and 289.823).

(Filed with the Secretary of State on December 19, 2005, at 3:32 p.m.)

Date: December 19, 2005

Time: 2:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 669 (Public Act No. 283), being

An act to amend 1998 PA 381, entitled “An act to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons,” by amending section 4 (MCL 289.824).

(Filed with the Secretary of State on December 19, 2005, at 3:34 p.m.)

Date: December 19, 2005

Time: 2:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 252 (Public Act No. 284), being

An act to amend 1943 PA 184, entitled “An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 125.284).

(Filed with the Secretary of State on December 19, 2005, at 3:36 p.m.)

Date: December 19, 2005

Time: 2:28 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 253 (Public Act No. 285), being

An act to amend 1943 PA 183, entitled “An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

(Filed with the Secretary of State on December 19, 2005, at 3:38 p.m.)

Date: December 19, 2005
Time: 2:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 254 (Public Act No. 286), being

An act to amend 1921 PA 207, entitled “An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments,” by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

(Filed with the Secretary of State on December 19, 2005, at 3:40 p.m.)

Date: December 19, 2005
Time: 2:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 341 (Public Act No. 287), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 8395 (MCL 600.8395).

(Filed with the Secretary of State on December 19, 2005, at 3:42 p.m.)

Date: December 19, 2005
Time: 2:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 456 (Public Act No. 288), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

(Filed with the Secretary of State on December 19, 2005, at 3:44 p.m.)

Date: December 20, 2005
Time: 9:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 909 (Public Act No. 290), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to

prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35f.

(Filed with the Secretary of State on December 20, 2005, at 11:28 a.m.)

Date: December 20, 2005

Time: 9:42 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 910 (Public Act No. 293), being

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35i.

(Filed with the Secretary of State on December 20, 2005, at 11:34 a.m.)

Date: December 20, 2005

Time: 9:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 634 (Public Act No. 295), being

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

(Filed with the Secretary of State on December 20, 2005, at 11:38 a.m.)

Date: December 20, 2005

Time: 10:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 203 (Public Act No. 296), being

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

(Filed with the Secretary of State on December 20, 2005, at 11:40 a.m.)

Date: December 20, 2005

Time: 7:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 785 (Public Act No. 298), being

An act to amend 2004 PA 241, entitled "An act to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has

access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies,” by amending sections 1 and 5 (MCL 752.1061 and 752.1065).

(Filed with the Secretary of State on December 21, 2005, at 1:50 p.m.)

Date: December 20, 2005

Time: 7:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 685 (Public Act No. 304), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

(Filed with the Secretary of State on December 21, 2005, at 2:02 p.m.)

Date: December 20, 2005

Time: 7:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 686 (Public Act No. 305), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 552c.

(Filed with the Secretary of State on December 21, 2005, at 2:04 p.m.)

Date: December 20, 2005

Time: 7:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 88 (Public Act No. 306), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance

organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 3515, 3517, 3519, 3523, 3529, 3533, 3539, and 3571 (MCL 500.3515, 500.3517, 500.3519, 500.3523, 500.3529, 500.3533, 500.3539, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3517, 3533, 3539, and 3571 as added by 2000 PA 252, and sections 3523 and 3529 as amended by 2002 PA 304.

(Filed with the Secretary of State on December 21, 2005, at 2:06 p.m.)

Date: December 20, 2005

Time: 7:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 829 (Public Act No. 329), being

An act to amend 1966 PA 13, entitled "An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities," by repealing section 9 (MCL 254.369).

(Filed with the Secretary of State on December 28, 2005, at 1:43 p.m.)

Date: December 20, 2005

Time: 7:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 830 (Public Act No. 330), being

An act to amend 1965 PA 380, entitled "An act to organize the executive and administrative agencies of state government; to establish principal departments and department heads; to define the powers and duties of the principal departments and their governing agents; to allocate executive and administrative powers, duties, functions, and services among the principal departments; to provide for a method for the gradual implementation of the provisions of this act and for the transfer of existing funds and appropriations of the principal departments herein created and established," by amending section 357 (MCL 16.457).

(Filed with the Secretary of State on December 28, 2005, at 1:45 p.m.)

Date: December 22, 2005

Time: 6:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 778 (Public Act No. 313), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

(Filed with the Secretary of State on December 27, 2005, at 10:17 a.m.)

Date: December 22, 2005

Time: 6:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 648 (Public Act No. 308), being

An act to amend 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending sections 4 and 5 (MCL 28.214 and 28.215), section 4 as amended by 2000 PA 320; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 27, 2005, at 10:07 a.m.)

Date: December 22, 2005

Time: 6:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 444 (Public Act No. 314), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

(Filed with the Secretary of State on December 27, 2005, at 10:19 a.m.)

Date: December 22, 2005

Time: 6:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 714 (Public Act No. 327), being

An act to amend 1970 PA 91, entitled “An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 722.22), as amended by 2004 PA 542.

(Filed with the Secretary of State on December 28, 2005, at 1:39 p.m.)

Date: December 22, 2005

Time: 6:38 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 894 (Public Act No. 323), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of

social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57d (MCL 400.57d), as amended by 2001 PA 280.

(Filed with the Secretary of State on December 27, 2005, at 1:33 p.m.)

Date: December 27, 2005

Time: 11:23 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 448 (Public Act No. 326), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 303d, 321, 410, 601, 810, 841, 859, 871, 1701, 8321, 8322, 8331, 8344, and 8507 (MCL 600.303d, 600.321, 600.410, 600.601, 600.810, 600.841, 600.859, 600.871, 600.1701, 600.8321, 600.8322, 600.8331, 600.8344, and 600.8507), section 303d as amended by 2004 PA 448, section 321 as amended by 2005 PA 151, section 410 as added and sections 601 and 841 as amended by 2002 PA 678, sections 859 and 8331 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 27, 2005, at 1:39 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

December 8, 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 office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Corn Marketing Program Committee

Mr. Mark J. Kies of 5551 Thompson Road, Allen, Michigan 49227, county of Hillsdale, succeeding Richard Godfrey, whose term has expired, representing District 3 growers, for a term commencing December 22, 2005 and expiring March 5, 2008.

Mr. Carl A. Barth of 57096 Cowling Road, Three Rivers, Michigan 49093, county of St. Joseph, succeeding Daniel Klein, whose term has expired, representing District 2 growers, for a term commencing December 22, 2005 and expiring March 5, 2008.

Mr. Kenneth J. Wadsworth of 2191 North Sandusky Road, Sandusky, Michigan 48471, county of Sanilac, reappointed to represent District 7 growers, for a term expiring March 5, 2008.

December 14, 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 88I of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088I:

Strategic Economic Investment and Commercialization Board

Ms. Judith I. Bailey, Ph.D., of 1201 Short Road, Kalamazoo, Michigan 49008, county of Kalamazoo, appointed to represent Western Michigan University, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. John W. Brown of 6464 Liteolier, Portage, Michigan 49024, county of Kalamazoo, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2009.

Ms. Mary L. Campbell of 1140 Heatherway, Ann Arbor, Michigan 48104, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. A. David Canter of 280 High Orchard Drive, Ann Arbor, Michigan 48105, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. David Cole, Ph.D., of 3946 Waldenwood, Ann Arbor, Michigan 48105, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Ms. Mary Sue Coleman, Ph.D., of 815 South University, Ann Arbor, Michigan 48109, county of Washtenaw, appointed to represent the University of Michigan, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. James A. Croce of 315 Grosse Pointe Boulevard, Grosse Pointe Farms, Michigan 48236, county of Wayne, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. Michael J. Jandernoa of 2431 Belleglade, S.E., Grand Rapids, Michigan 49546, county of Kent, nominated by the Senate Majority Leader and appointed to represent qualified businesses or persons with business, technology, or financial experience related to competitive edge technology, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Hayes W. Jones of 1040 James K. Boulevard, Pontiac, Michigan 48341, county of Oakland, appointed to represent Automation Alley, a Michigan nonprofit corporation incorporated on May 21, 1998, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. David Baker Lewis of 1755 Burns Drive, Detroit, Michigan, county of Wayne, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2009.

Mr. Glenn D. Mroz, Ph.D., of 18970 East Canal Road, Houghton, Michigan 49931, county of Houghton, appointed to represent Michigan Technological University, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Michael Rao, Ph.D., of 1214 Forest Lane, Mount Pleasant, Michigan 48858, county of Isabella, appointed to represent a public university in Michigan other than Michigan State University, the University of Michigan, Wayne State University, Western Michigan University, or Michigan Technological University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. Irvin D. Reid, Ph.D., of 451 West Kirby, Detroit, Michigan 48202, county of Wayne, appointed to represent Wayne State University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Ms. Lou Anna Simon, Ph.D., 6280 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, appointed to represent Michigan State University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. George F. Vande Woude, Ph.D., of 9451 Bailey Drive, N.E., Ada, Michigan 49301, county of Kent, appointed to represent the Van Andel Institute, a Michigan charitable trust, MICS 13607, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Dennis Wend of 9541 Dixie Highway, Ira Township, Michigan 48023, county of St. Clair, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 34, 2008.

December 14, 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 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, as amended by 2005 PA 225:

Michigan Strategic Fund Board of Directors

Mr. George W. Jackson, Jr., of 29181 Woodcrest Court, Southfield, Michigan 48076, county of Oakland, succeeding James Herbert, representing persons with knowledge, skill, and experience in the academic, business, or financial field, for a term commencing December 14, 2005 and expiring at the pleasure of the Governor.

Mr. James L. Herbert of 1704 Jerome, Lansing, Michigan 48912, county of Ingham, appointed to represent a person in the private sector with experience in the commercialization of technology, for a term commencing December 14, 2005 and expiring December 31, 2007.

Mr. Charles P. Rothstein of 5002 Lake Bluff, West Bloomfield, Michigan 48323, county of Oakland, to represent a person in the private sector with experience in private equity or venture capital investments, for a term commencing December 14, 2005 and expiring December 31, 2007.

Mr. Richard E. Rassel of 1595 Fairfax Road, Birmingham, Michigan 48009, county of Oakland, reappointed to represent a person in the private sector with knowledge, skill, and experience in the academic, business, or financial field, for a term commencing January 1, 2006 and expiring December 31, 2009.

December 20, 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 Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.1621 and 333.17721:

Michigan Board of Pharmacy

Mr. Dale E. Cole of 3383 Breckland Court, Ann Arbor, Michigan 48108, county of Washtenaw, succeeding Pam Byrnes, who has resigned, representing the general public, for a term commencing December 20, 2005 and expiring June 30, 2007.

Ms. Leigh A. Kegerreis of 13704 LaPlaisance Road, Monroe, Michigan 48161, county of Monroe, succeeding Gretchen Pretty, whose term has expired, representing the general public, for a term commencing December 20, 2005 and expiring June 30, 2009.

December 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 20 of the Michigan Boxing Regulatory Act, 2004 PA 403, MCL 338.3620:

Michigan Boxing Commission

Mr. Kevin D. Moore of 26250 Tennant Street, Dearborn Heights, Michigan 48127, county of Wayne, succeeding the late Robert S. Watson, representing the general public, for a term commencing December 20, 2005 and expiring February 19, 2007.

December 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 91 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.191:

Investment Advisory Committee

Mr. David G. Sowerby of 2269 Red Maple Drive, Troy, Michigan 48098, county of Oakland, reappointed to represent the general public, for a term expiring December 15, 2008.

December 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of 1927 PA 360, MCL 209.102:

State Tax Commission

Mr. Frederick W. Morgan, a Democrat, of 19604 Brandywine, Riverview, Michigan 48193, county of Wayne, succeeding Robert Lupi, whose term has expired, for a term commencing December 20, 2005 and expiring September 13, 2011.

December 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 5 of the Shared Credit Rating Act, 1985 PA 227, MCL 141.1055:

Michigan Municipal Bond Authority Board of Trustees

Mr. Gary D. Hawks of 4668 Nakoma, Okemos, Michigan 48864, county of Ingham, succeeding M. David Campbell II, whose term has expired, representing residents of this state, for a term commencing December 20, 2005 and expiring December 31, 2007.

December 22, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office pursuant to Section 3 of 1965 PA 114, MCL 290.553:

Michigan Bean Commission

Mr. Michael J. Sahr of 9121 East Washington Road, Saginaw, Michigan 48601, county of Saginaw, reappointed to represent District 8 growers, for a term commencing January 1, 2006 and expiring December 31, 2008.

December 22, 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 pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Soybean Marketing Program Committee

Mr. Herbert N. Miller of 60864 Reynolds Road, Niles, Michigan 49120, county of Cass, succeeding Edward Cagney, whose term has expired, representing District 1 growers, for a term commencing December 22, 2005 and expiring September 23, 2008.

Mr. Jason J. Woods of 2450 Hoagland Highway, Deerfield, Michigan 49238, county of Lenawee, succeeding Blaine Baker, whose term has expired, representing District 3 growers, for a term commencing December 22, 2005 and expiring September 23, 2008.

December 22, 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 pursuant to Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103:

Underwater Salvage and Preserve Committee

Mr. Mark S. Kistner of 5003 Harbor Place, St. Clair Shores, Michigan 48080, county of Macomb, appointed to represent the general public, for a term commencing December 22, 2005 and expiring August 17, 2007.

Ms. Peggy S. Kurpinski of 960 Butternut Drive, Holland, Michigan 49424, county of Allegan, succeeding Valerie van Heest, whose term has expired, representing a member of the general public, having experience in recreational scuba diving, for a term commencing December 22, 2005 and expiring August 17, 2007.

Mr. Brian L. Tippman of 2005 North Partridge Point Road, Alpena, Michigan 49707, county of Alpena, succeeding John McConnell, whose term has expired, representing the general public, for a term commencing December 22, 2005 and expiring August 17, 2007.

Ms. Gail A. Vander Stoep, Ph.D., of 734 Touraine Avenue, East Lansing, Michigan 48823, county of Ingham, succeeding Michael Spears, whose term has expired, representing the general public, for a term commencing December 22, 2005 and expiring August 17, 2007.

Mr. Peter J. Lindquist of 1204 Commercial Street, Munising, Michigan 49862, county of Alger, reappointed to represent a member of the general public, having experience in recreational scuba diving, for a term expiring August 17, 2007.

Sincerely,
Jennifer Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

December 15, 2005

Please be advised of the following correction (page 3) regarding the December 14, 2005 filed with your office pursuant to Section 88/ of the Michigan Strategic Fund Act, 1984 PA 270 MCL 125.2088/:

Strategic Economic Investment and Commercialization Board

Ms. Judith I. Bailey, Ph.D., of 1201 Short Road, Kalamazoo, Michigan 49008, county of Kalamazoo, appointed to represent Western Michigan University, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. John W. Brown of 6464 Liteolier, Portage, Michigan 49024, county of Kalamazoo, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2009.

Ms. Mary L. Campbell of 1140 Heatherway, Ann Arbor, Michigan 48104, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance,

bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. A. David Canter of 280 High Orchard Drive, Ann Arbor, Michigan 48105, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. David Cole, Ph.D., of 3946 Waldenwood, Ann Arbor, Michigan 48105, county of Washtenaw, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Ms. Mary Sue Coleman, Ph.D., of 815 South University, Ann Arbor, Michigan 48109, county of Washtenaw, appointed to represent the University of Michigan, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. James A. Croce of 315 Grosse Pointe Boulevard, Grosse Pointe Farms, Michigan 48236, county of Wayne, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2008.

Mr. Michael J. Jandernoa of 2431 Belleglade, S.E., Grand Rapids, Michigan 49546, county of Kent, nominated by the Senate Majority Leader and appointed to represent qualified businesses or persons with business, technology, or financial experience related to competitive edge technology, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Hayes W. Jones of 1040 James K. Boulevard, Pontiac, Michigan 48341, county of Oakland, appointed to represent Automation Alley, a Michigan nonprofit corporation incorporated on May 21, 1998, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. David Baker Lewis of 1755 Burns Drive, Detroit, Michigan, county of Wayne, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring December 31, 2009.

Mr. Glenn D. Mroz, Ph.D., of 18970 East Canal Road, Houghton, Michigan 49931, county of Houghton, appointed to represent Michigan Technological University, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Michael Rao, Ph.D., of 1214 Forest Lane, Mount Pleasant Michigan 48858, county of Isabella, appointed to represent a public university in Michigan other than Michigan State University, the University of Michigan, Wayne State University, Western Michigan University, or Michigan Technological University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. Irvin D. Reid, Ph.D., of 451 West Kirby, Detroit, Michigan 48202, county of Wayne, appointed to represent Wayne State University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Ms. Lou Anna Simon, Ph.D., 6280 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, appointed to represent Michigan State University, for a term commencing December 15, 2005 and expiring December 31, 2007.

Mr. George F. Vande Woude, Ph.D., of 9451 Bailey Drive, N.E., Ada, Michigan 49301, county of Kent, appointed to represent the Van Andel Institute, a Michigan charitable trust, MICS 13607, for a term commencing December 15, 2005 and expiring December 31, 2006.

Mr. Dennis Wend of 9541 Dixie Highway, Ira Township, Michigan 48023, county of St. Clair, appointed to represent business with expertise, knowledge, skill, or experience in venture capital investments, business finance, bringing competitive edge technology products to market, or representing a qualified business, for a term commencing December 15, 2005 and expiring **December 31, 2008**.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 529, entitled

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

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

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on December 14, 2005.

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

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.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on December 14, 2005.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:38 a.m.

11:59 a.m.

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

The following message was received and read:

December 29, 2005

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

Committee Reports

The Committee on Local, Urban and State Affairs reported

House Bill No. 5039, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201), as amended by 2002 PA 22.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 514 (MCL 280.514).

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:
 Meeting held on Tuesday, December 13, 2005, at 2:00 p.m., Rooms 402 and 403, Capitol Building
 Present: Senators Toy (C), Birkholz and Basham
 Excused: Senators Goschka and Bernero

The Committee on Transportation reported

Senate Bill No. 567, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," (MCL 252.301 to 252.325) by adding section 7a.

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.

Judson S. Gilbert II
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 568, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 3, 4, 6, 7, 11, 15, 17, 18a, and 19 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.311, 252.315, 252.317, 252.318a, and 252.319), sections 2, 3, 4, 6, 7, 15, 17, and 19 as amended and section 11 as added by 1998 PA 533 and section 18a as added by 1998 PA 464, and by adding section 11a; and to repeal acts and parts of acts.

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.

Judson S. Gilbert II
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 911, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 1a (MCL 247.171a), as added by 2002 PA 151.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 13, 2005, at 1:45 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Appropriations -

Subcommittee -

K-12, School Aid, Education - Thursday, January 19, 12:00 noon, Rooms 402 and 403, Capitol Building (373-6960)

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the President pro tempore, Senator Birkholz, declared the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate

