

No. 50
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, May 31, 2005.

10:00 a.m.

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

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

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

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

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

Pastor Bill Koch of the Westminster Presbyterian Church of Rogers City offered the following invocation:

Gracious God, we give You thanks for this beautiful state of Michigan which each of us here calls our home. You have entrusted the stewardship of its fields and forests, its lakes and streams, and its cities and towns into our keeping as citizens together. You call men and women into state government to shape our common life for good and accomplish things we cannot do individually. Grant that those who have been elected to serve as members of this Senate might be equal to that task. Guide the Senators gathered in this chamber as they do the legislative work of the people of this state. Endow them with wisdom and knowledge of Your will. Give them courage when they face difficult decisions and hard choices. May they know the appropriate moments to stand fast for important principles and when the common good is best served through compromise. Remind them that they serve a public trust beyond personal gain or glory, a trust more important than the special interests which clamor for their attention. In a time when funds are scarce and resources diminished, enable them to think in creative new ways in addressing the issues before them. When the days are long and the work is tiresome, renew their sense of satisfaction in contributing to purposes larger than themselves.

Look upon this chamber with Your favor, O God, and let Your will be achieved through the men and women who serve here. Amen.

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

Motions and Communications

Senator Garcia entered the Senate Chamber.

Senator Schauer moved that Senators Barcia and Clarke be excused from today's session.
The motion prevailed.

The following communication was received:

Department of State

Administrative Rules
Notice of Filing

May 13, 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 9:52 a.m. this date, administrative rule (05-05-01) for the Department of Labor and Economic Growth, Director's Office entitled "*Athletic Board*," effective immediately upon filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

The following communication was received:

Department of Human Services

May 23, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Interim	Alger/Schoolcraft County DHS	CP770200936

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 & Information" at the following address: <http://www.michigan.gov/fia/>.

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 communication was referred to the Secretary for record.

The following communication was received:
Office of the State Budget

May 24, 2005

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2003-2004.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

May 26, 2005

Enclosed is a copy of the following audit report:
Financial audit, including the provisions of the Single Audit Act, of the Department of Management and Budget for the period October 1, 2002 through September 30, 2004.

May 27, 2005

Enclosed is a copy of the following audit report:
Performance audit of the Michigan Youth Correctional Facility, a facility under contract with the Department of Corrections.

May 27, 2005

Enclosed is a copy of the following audit report:
Performance audit of the Space Planning and Leasing Process, Department of Management and Budget.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 26:
House Bill Nos. 4597 4598 4599

The Secretary announced that the following official bills were printed on Thursday, May 26, and are available at the legislative website:

Senate Bill Nos. 534 535 536 537 538
House Bill Nos. 4829 4830 4831 4832 4833

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

Senate Bill Nos. 539 540 541 542 543 544 545 546 547
House Bill Nos. 4834 4835 4836 4837 4838

Messages from the Governor

The following message from the Governor was received on May 25, 2005, and read:

EXECUTIVE ORDER
No. 2005-11

Office of Services to the Aging Michigan Task Force on Elder Abuse

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 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that the Governor considers necessary or desirable;

WHEREAS, elder abuse is a complex health and social problem involving harm or threatened harm to a senior citizen, including neglect by a person responsible for the elder's health or welfare and exploitation involving misuse of the elder's funds or property;

WHEREAS, experiences in addressing child abuse and domestic violence suggest that the number of instances and severity of elder abuse can be reduced by developing coordinated and effective adult protective services, criminal justice, and social services programs, including prevention, training, investigation, and victim support;

WHEREAS, establishment of a task force examining issues relating to elder abuse will assist the state in identifying new resources, best practices, and necessary changes in law, policies, and practices to assist in the prevention of elder abuse;

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 the following:

I. DEFINITIONS

As used in this Order:

A. "Office" means the Office of Services to the Aging created within the Department of Management and Budget under Section 5 of the Older Michiganians Act, 1981 PA 180, MCL 400.585, and transferred to the Department of Community Health by Executive Order 1997-5, MCL 400.224.

B. "Task Force" means the Michigan Task Force on Elder Abuse created under this Order.

II. CREATION OF THE MICHIGAN TASK FORCE ON ELDER ABUSE

A. The Michigan Task Force on Elder Abuse is created as an advisory body within the Office.

B. The Task Force shall consist of 15 residents of this state appointed as members of the Task Force by the Governor.

C. In addition to the members appointed under Section II.B, the Director of the Office, the Director of the Department of Community Health, the Director of the Department of Human Services, the Director of the Department of State Police and the Commissioner of Financial and Insurance Services, or their designees, shall serve as non-voting, ex officio members of the Task Force.

D. Members of the Task Force appointed by the Governor under Section II.B shall serve at the pleasure of the Governor.

E. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

III. CHARGE TO THE TASK FORCE

A. The Task Force shall act in an advisory capacity and shall do all of the following:

1. Review existing state efforts regarding the prevention and prosecution of elder abuse including physical abuse, emotional abuse, neglect, sexual abuse, and financial abuse and exploitation.

2. Identify and prioritize pressing issues and significant challenges that must be addressed to protect Michigan's vulnerable adults from abuse, neglect, and financial exploitation.

3. Review laws, policies, and practices of other states and make recommendations for changes in Michigan to address elder abuse, neglect, and financial exploitation.

4. Recommend a process for the development of a widely accessible reference database of current information and research concerning elder abuse.

5. Provide recommendations to promote effective communications and coordination of efforts between the public and private sectors at both the state and local levels regarding the prevention and effective prosecution of elder abuse.

6. Review and provide advice regarding the potential effectiveness of a public-private communications network throughout Michigan related to elder abuse, including physical abuse, emotional abuse, neglect, sexual abuse, and financial abuse and exploitation.

7. Review other state practices and recommend approaches to develop dedicated local investigative teams that have the tools and legal authority necessary to effectively identify, investigate, and prosecute elder abuse, neglect, and financial exploitation.

8. Identify new opportunities to support and expand research studies that document the scope and depth of elder abuse, neglect, and financial exploitation in Michigan.

9. Provide recommendations for the development of training and technical assistance materials for investigation and enforcement professionals.

10. Provide recommendations for the development of a plan to generate public awareness of the scope of elder abuse, such as recommendations for public service announcements, editorials, community presentations and forums, website development, publications, and other materials to provide relevant information to the public.

11. Based on the foregoing, make recommendations to the Governor.

B. The Task Force shall provide other information, recommendations, or advice as requested by the Governor or the Director of the Office.

C. The Task Force shall complete its work and issue a final report and recommendations, including any proposed changes in law, to the Governor by May 31, 2006.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Office as directed by the Governor, subject to available funding. Any budgeting, procurement, and related management functions of the Task Force shall be performed under the direction and supervision of the Director of the Office.

B. The Task Force shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Governor shall designate one of the members of the Task Force to serve as its Chairperson. The Task Force may select from among its members a Vice-Chairperson.

D. The Task Force shall select from among its members a Secretary. Task Force staff shall assist the Secretary with recordkeeping responsibilities.

E. A majority of the members serving on the Task Force constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its serving members.

F. The Task Force shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Task Force.

G. The Task Force may establish committees and request public participation on workgroups as the Task Force deems necessary. The Task Force may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

H. The Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

I. Members of the Task Force shall serve without compensation. Members of the Task Force may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

J. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Director of the Office deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

K. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person.

L. Members of the Task Force shall refer all legal, legislative, and media contacts to the Office.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Task Force.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 25th day of May, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on May 26, 2005, and read:

EXECUTIVE ORDER
No. 2005-12

Recognizing Memorial Day

WHEREAS, Memorial Day was first officially proclaimed on May 5, 1868 by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, in General Order No. 11, and was first observed on May 30, 1868, when flowers were placed on the graves of soldiers at Arlington National Cemetery;

WHEREAS, in proclaiming Memorial Day, General Logan wrote, "Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic";

WHEREAS, on Memorial Day we recognize individuals who have died in service to the United States of America, making the ultimate sacrifice to defend the freedoms our Nation holds so dear;

WHEREAS, under Section 6103 of Title 5 of the United States Code, 5 USC 6103, and Section 1 of 1865 PA 124, MCL 435.101, the last Monday in May is set aside as a legal public holiday in observance of Memorial Day;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, on Memorial Day the flag of the United States is to be displayed at half-staff until noon only, then raised to the top of the staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on Memorial Day morning as a mark of respect for the memory, and in honor of the service, of those killed defending our priceless freedom, peace and security;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, direct and proclaim:

A. On Memorial Day, Monday, May 30, 2005, until 12:00 noon that day, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan and on Michigan waters, including at or on all state buildings and facilities.

B. When flown at half-staff on Memorial Day, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position, where it should be flown until noon only, then raised to the top of the staff.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 26th day of May, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

May 25, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 76503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76503:

Mackinac Island State Park Commission

Ms. Laurie A. Stupak, a Democrat, of W5499 48th Avenue, Menominee, Michigan 49858, county of Menominee, succeeding Bob Traxler, whose term has expired, appointed for a term commencing May 25, 2005 and expiring April 12, 2011.

Mr. Richard A. Manoogian, an Independent, of 15520 Windmill Pointe, Grosse Pointe Farms, Michigan 48230, county of Wayne, reappointed for a term expiring April 12, 2011.

May 26, 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 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905:

Michigan Natural Resources Trust Fund Board

Mr. Francisco (Frank) Torre, Jr., of 1450 Quarton, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding James Thompson, whose term has expired, representing the general public, for a term commencing May 26, 2005 and expiring October 1, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

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. 225, entitled

A bill to create an agricultural tourism advisory commission; to provide for its powers and duties; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

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

Senate Bill No. 352, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17753.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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 section 17752 (MCL 333.17752).

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

House Bill No. 4434, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752) and by adding section 17753.

The House of Representatives has substituted (H-3) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-3) and amended the title to read as follows:

A bill 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," (MCL 333.1101 to 333.25211) by adding section 17753.

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

Third Reading of Bills

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

Senate Bill No. 384

Senate Bill No. 252

Senate Bill No. 253

Senate Bill No. 254

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 384, entitled

A bill to designate the third Saturday in June as Juneteenth National Freedom Day; and to designate November 26 of each year as Sojourner Truth Day in the state of Michigan.

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. 170

Yeas—36

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

Nays—0

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 252, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

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. 171

Yeas—36

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

Nays—0

Excused—2

Barcia	Clarke
--------	--------

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 253, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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. 172

Yeas—36

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

Nays—0

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 254, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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. 173**Yeas—36**

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

Nays—0**Excused—2**

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4356, entitled

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

Senate Bill No. 514, entitled

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

Senate Bill No. 515, entitled

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

Senate Bill No. 365, entitled

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

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 4702, entitled

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

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

1. Amend page 2, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect December 1, 2005."

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

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

House Bill No. 4703, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 143a.

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

1. Amend page 2, line 10, after "A" by inserting "CIVIL".

2. Amend page 2, line 22, after "effective" by striking out "July 1" and inserting "December 1".

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

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

Senate Bill No. 512, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 513, entitled

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

PA 89, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297.

Substitute (S-1).

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

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

Senate Bill No. 516, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 517, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 518, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 462, entitled

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

Substitute (S-1).

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

Resolutions

Senators Brater, Brown, Goschka, Cherry, Toy, Prusi, Schauer, Hardiman, Birkholz, Garcia, Olshove and Thomas offered the following resolution:

Senate Resolution No. 35.

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer.

Whereas, Michigan asked the federal government for \$29.5 million to fight the Emerald Ash Borer (EAB) in 2005. On April 19th the USDA sent a letter to Governor Granholm saying there would be no more emergency funding to fight the EAB. The state has received only about \$10.9 million from the USDA, which is not enough to fund all the current eradication strategies; and

Whereas, With alarming swiftness, the Emerald Ash Borer, an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 billion in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear we need the prompt assistance of Congress and the USDA; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

Senators Cassis, Clark-Coleman, Jacobs, Jelinek and Switalski were named co-sponsors of the resolution.

Senators Birkholz, Brown, Hardiman, Garcia, Van Woerkom, Kuipers and Cropsey offered the following resolution:
Senate Resolution No. 36.

A resolution memorializing the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act.

Whereas, The federal government, in an effort to provide American Indian tribes with an avenue to seek economic advancement, enacted the Indian Gaming Regulatory Act of 1988 (IGRA). This act requires states that do not completely outlaw Class III (casino-style) gaming to negotiate with federally recognized Indian tribes within the state in good faith to allow the tribes to conduct Class III gaming; and

Whereas, Over the last two decades, Michigan has gone from limited gaming options such as horse racing, bingo, and charity games to Las Vegas-style gaming in the four corners of our state. Three large commercial casinos are located in Detroit and eleven Indian tribes are authorized to conduct Class III gaming. A twelfth tribe is seeking to conduct Class III gaming while other tribes look for ways to expand their gaming sites throughout Michigan. Canada and neighboring states provide additional gaming sites for Michiganians. Easily accessible gaming operations impact every community, with crime, family stress, financial problems, and gambling addiction burdening communities and government agencies trying to cope; and

Whereas, Although Michigan voters approved Proposal E in November 1996, which legalized casino gaming in Detroit, the voters signaled their displeasure with the proliferation of gaming in our state in November 2004 by approving Proposal 04-1, a proposal that has amended our state constitution to require voter approval for any additional gaming. Although the voters are clear about wanting to place limits on the further expansion of an already vast array of casino operations, the state is not free to carry out this expression of the will of the people due to the primacy of IGRA in regulating Indian gaming; and

Whereas, United States Representative Mike Rogers has introduced H.R. 2353, the Common Sense Indian Gambling Reform Act. This act would, if enacted, require the approval of the Governor and Legislature of a state before any Indian gaming compact goes into effect. The act would also restrict tribes to only operate casinos in a single, contiguous parcel of Indian land which is located in the primary geographic, social, and historic nexus of the tribe in that state. Other provisions would provide for background investigations; specify certain notifications by tribes that seek to build gaming facilities on land taken into trust; and require that the impact on communities, businesses, local governments, or Indian tribes within a fifty-mile radius of land proposed to be taken into trust be considered. This bill is a reasonable compromise between providing Indian tribes economic benefits through gaming opportunities and accommodating the people of Michigan who have clearly expressed their concerns over unrestricted gaming expansion; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Cassis and Jelinek were named co-sponsors of the resolution.

Senators Brown, Brater, Goschka, Schauer, Hardiman, Garcia and Birkholz offered the following concurrent resolution:

Senate Concurrent Resolution No. 22.

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

Whereas, With alarming swiftness, the Emerald Ash Borer (EAB), an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties, this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 billion in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm and the Legislature are working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear we need the prompt assistance of Congress and the USDA; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Bishop, Cassis, Jacobs, Jelinek, Johnson, Olshove, Prusi, Switalski, Thomas and Toy were named co-sponsors of the concurrent resolution.

Senators Birkholz, Brown, Hardiman, Garcia, Van Woerkom, Kuipers and Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 23.

A concurrent resolution memorializing the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act.

Whereas, The federal government, in an effort to provide American Indian tribes with an avenue to seek economic advancement, enacted the Indian Gaming Regulatory Act of 1988 (IGRA). This act requires states that do not completely outlaw Class III (casino-style) gaming to negotiate with federally recognized Indian tribes within the state in good faith to allow the tribes to conduct Class III gaming; and

Whereas, Over the last two decades, Michigan has gone from limited gaming options such as horse racing, bingo, and charity games to Las Vegas-style gaming in the four corners of our state. Three large commercial casinos are located in Detroit and eleven Indian tribes are authorized to conduct Class III gaming. A twelfth tribe is seeking to conduct Class III gaming while other tribes look for ways to expand their gaming sites throughout Michigan. Canada and neighboring states provide additional gaming sites for Michiganians. Easily accessible gaming operations impact every community, with crime, family stress, financial problems, and gambling addiction burdening communities and government agencies trying to cope; and

Whereas, Although Michigan voters approved Proposal E in November 1996, which legalized casino gaming in Detroit, the voters signaled their displeasure with the proliferation of gaming in our state in November 2004 by approving Proposal 04-1, a proposal that has amended our state constitution to require voter approval for any additional gaming. Although the voters are clear about wanting to place limits on the further expansion of an already vast array of casino operations, the state is not free to carry out this expression of the will of the people due to the primacy of IGRA in regulating Indian gaming; and

Whereas, United States Representative Mike Rogers has introduced H.R. 2353, the Common Sense Indian Gambling Reform Act. This act would, if enacted, require the approval of the Governor and Legislature of a state before any

Indian gaming compact goes into effect. The act would also restrict tribes to only operate casinos in a single, contiguous parcel of Indian land which is located in the primary geographic, social, and historic nexus of the tribe in that state. Other provisions would provide for background investigations; specify certain notifications by tribes that seek to build gaming facilities on land taken into trust; and require that the impact on communities, businesses, local governments, or Indian tribes within a fifty-mile radius of land proposed to be taken into trust be considered. This bill is a reasonable compromise between providing Indian tribes economic benefits through gaming opportunities and accommodating the people of Michigan who have clearly expressed their concerns over unrestricted gaming expansion; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the United States Congress to pass H.R. 2353, the Common Sense Indian Gambling Reform Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Cassis and Jelinek were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 548, entitled

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

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

Senator Johnson introduced

Senate Bill No. 549, entitled

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

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

Senator Johnson introduced

Senate Bill No. 550, entitled

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

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

Senator Patterson introduced

Senate Bill No. 551, entitled

A bill to repeal enacting section 1 of 2004 PA 591.

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

Senators Schauer, Jacobs, Brater, Leland and Bernero introduced

Senate Bill No. 552, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17212.

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

Senators Allen, Toy and Schauer introduced

Senate Bill No. 553, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 1995 PA 25.

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

House Bill No. 4597, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.

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. 4598, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

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. 4599, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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.

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

First, I’d like to thank all my colleagues for their support on Senate Bill No. 384. What that bill did was to name the third Saturday in June as the day that we celebrate the day that a number of people in the South had not heard of “Freedom Day” around the country. So that’s why it started in Texas, and we will now be able to honor that day because of my colleagues’ support here today and also Sojourner Truth. Most of us know that she was one of those courageous women who really stood tall back in those days in bringing people out of slavery to these Northern states. One of them was right here in Michigan. I’ve been presented a cup—the Sojourner Truth cup—of which I am very proud of today to honor this lady.

And, of course, my favorite subject—insurance. Automobile theft has increased dramatically in the United States. As you know, this crime contributes to high automobile insurance rates. In the last two years, the Detroit Metropolitan area has not been an exception. But the increases are not as much in the city of Detroit as they are in the suburbs as you might expect.

According to yesterday’s *Detroit News* “Auto Insider,” Macomb County has seen an increase of car thefts by 31 percent, while Oakland County’s theft rate has increased by 23 percent and Wayne County has seen a modest increase of 10 percent in the auto theft rate. If you take outer Wayne County away from Detroit, their numbers are less. The city of Highland Park alone has seen the reduction of this crime by 80 percent, according to our Wayne County sheriffs and the study that they did. The Wayne County sheriffs are the ones who patrol the city of Highland Park today. That should mean that insurance rates in Detroit and the rest of Wayne County should be reduced, and we should look at what’s going on in Macomb and Oakland counties. But instead of raising the suburbs’ insurance rates by 30 and 20 percent, I would just like to make them fair for everyone in this state.

So if we would charge people according to the kind of car they drive and their driving record, I really do think we could bring our rates down. And, yes, in urban cities that are large cities like Detroit, I think we really do need to look at even those who do come into the city and live in the suburban areas. So there is a lot that we need to look into, but hopefully, we can do this soon. I know there is a study group, and I hope that this study group will pay close attention to all of this and really do look into all of these issues so that we can soon resolve these insurance rates and make them fair for everyone.

Senator Brater’s statement is as follows:

Friday afternoon the Governor issued a moratorium on new and increased bottled water operations that export water out of the Great Lakes Basin. As we wait for an opportunity to discuss the Water Legacy Act, Senate Bill No. 7, I applaud the Governor for taking decisive action. The directive issued by the Governor demonstrates the urgent nature of this problem.

It is imperative that we move forward with legislation relating to water use in the state of Michigan—the state that is completely surrounded by the Great Lakes; the only state that is entirely within the Great Lakes Basin. Right now, billions of gallons of water a day are not naturally replaced. We must mitigate this loss. The deficit will only increase without regulation.

We, here in the Great Lakes region, have been given or entrusted with the stewardship of these Great Lakes. The other states in the Great Lakes Basin have all adopted water withdrawal statutes. Here in Michigan, we are surrounded by one-fifth of the world's fresh water supply. One could argue that we are the state most affected by water diversion out of the basin. Yet, somehow, we are the last state in the Great Lakes watershed to make any rules pertaining to fair use of our water. It is our job to act as stewards of this resource.

The amount of water used by these bottled water plants may seem small—less than 1 percent of total use—but it is the precedent that raises concern. The easier it becomes to ship water away in these smaller quantities, the easier it will be to ship tanks of water out of the basin later.

So, again, I applaud the Governor for her decisive action issuing this moratorium, and I ask my colleagues for speedy legislative action on this matter.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 412, entitled

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

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 498, entitled

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

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 406, entitled

A bill to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 407, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 3, 7, and 8 (MCL 141.1053, 141.1057, and 141.1058), the title and sections 3 and 7 as amended by 2000 PA 416 and section 8 as amended by 2003 PA 109, and by adding section 16c.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 408, entitled

A bill to amend 1961 PA 112, entitled "An act to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation," by amending sections 2 and 4 (MCL 388.982 and 388.984), section 2 as amended by 2000 PA 245 and section 4 as amended by 1991 PA 64.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 410, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2002 PA 71.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 411, entitled

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

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4082, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310, 806, and 809 (MCL 257.310, 257.806, and 257.809), section 310 as amended by 2004 PA 495, section 806 as amended by 2003 PA 152, and section 809 as amended by 1987 PA 238.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Concurrent Resolution No. 14.

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

(For text of resolution, see Senate Journal No. 27, p. 346.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 20.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kellogg Community College relative to the Kellogg Community College Roll Building Renovation project.

(For text of resolution, see Senate Journal No. 42, p. 599.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 25, 2005, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 538, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

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 and Jelinek

Nays: Senator Brater

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 224, entitled

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207), as amended by 2003 PA 265.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Brater

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 251, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senator Brater

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:
Meeting held on Thursday, May 26, 2005, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Van Woerkom (C), Gilbert, Jelinek and Brater
Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:
Meeting held on Thursday, May 26, 2005, at 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi and Cherry
Excused: Senator Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:
Meeting held on Thursday, May 26, 2005, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
Meeting held on Thursday, May 26, 2005, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

Scheduled Meetings

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

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

Subcommittees -

Community Colleges - Wednesday, June 1, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

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

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

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

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

Natural Resources Department - Wednesdays, June 1 and June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Economic Development, Small Business and Regulatory Reform - Wednesday, June 1, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance and House Tax Policy - Wednesday, June 1, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1758)

Health Policy - Wednesday, June 1, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

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

Technology and Energy - Wednesday, June 1, 3:00 p.m., Room 210, Farnum Building (373-7350)

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

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:45 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 1, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate