

No. 60
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, June 22, 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—present
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

Senator Mike Goschka of the 32nd District offered the following invocation:

Our Father, as we gather this morning to conduct the business of the people of the state of Michigan, we would pray that You would give us a sense of Your presence. Help us to realize the responsibility that we have been given to represent our districts and to think in the bigger context of what is good for the people of the state of Michigan.

Lord, for each Senator, for each staff member, for our Governor, and for our Lieutenant Governor, we would pray today that by Your grace and through Your Holy Spirit that You would minister to our heartfelt needs, whether we are aware of them or not. For family issues, we pray, Lord God, that Your grace would supersede and go before us and that You would deal with matters which concern us today.

As we conduct our business and have our meetings throughout this day, we pray for a genuine sense of heartfelt humility. Help us to realize that we are but mere creations of Your hand and that we are no better than anyone else. You have graciously given us an opportunity to have a voice, to have input, and, Lord, we pray that all we do today would be honoring and glorifying to You.

I ask this in the name of our Lord and Savior Jesus Christ. 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 Hammerstrom moved that consideration of the following bill be postponed for today:

Senate Bill No. 246

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Finance - Senator Sanborn (VC) temporarily replacing Senator Garcia.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The following communication was received:

Joint Committee on Administrative Rules

Waiver of Remaining Session Days

June 21, 2005

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set: Department of Military and Veteran Affairs—Military Relief Fund—Procedures for Review of Applications and Disbursement of Funds (2005-004 MA.)

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,

Representative Jim Marleau

Chair

Senator Michael Bishop

Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Tuesday, June 21, 2005, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Bishop (C), Jelinek and Barcia

Excused: Senators Kuipers and Thomas

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 21:
House Bill Nos. 4133 4679 4915

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 21, for her approval the following bill:

Enrolled Senate Bill No. 282 at 2:15 p.m.

Senators Leland, Gilbert, Barcia and McManus entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 10:07 a.m.

11:46 a.m.

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

During the recess, Senators Bernero and Thomas entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 352

House Bill No. 4434

Senate Bill No. 189

Senate Bill No. 513

The motion prevailed.

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

Senate Bill No. 512, entitled

A bill to amend 1989 PA 24, entitled "An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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 sections 3a and 3b.

Substitute (H-1).

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

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

Roll Call No. 263

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

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.

(This bill was returned from the House without amendment on June 14 and the recommendation for immediate effect postponed. See Senate Journal No. 56, p. 848.)

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the Senators 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. 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.

(This bill was returned from the House without amendment on June 14 and the recommendation for immediate effect postponed. See Senate Journal No. 56, p. 849.)

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the Senators 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. 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 (H-1).

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

Roll Call No. 264

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski

Brater
Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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 (H-1).

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

Roll Call No. 265

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 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 (H-1).

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

Roll Call No. 266

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 2, entitled

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

Substitute (H-1).

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

Roll Call No. 267**Yeas—37**

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

Nays—0**Excused—1**

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 456, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

The above bill was read a third time.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 268**Yeas—37**

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

Nays—0

Excused—1

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. 471, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

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. 269

Yeas—37

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

Nays—0

Excused—1

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. 473, entitled

A bill to amend 1996 PA 462, entitled “Enhanced access to public records act,” by repealing section 5 (MCL 15.445).

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. 270**Yeas—37**

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

Nays—0**Excused—1**

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. 474, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

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. 271**Yeas—37**

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

Nays—0

Excused—1

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. 477, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 18 (MCL 169.218), as added by 1999 PA 238.

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. 272

Yeas—37

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

Nays—0

Excused—1

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. 478, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 273

Yeas—37

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

Nays—0

Excused—1

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. 480, entitled

A bill to amend 1984 PA 233, entitled “Prudent purchaser act,” by repealing section 10 (MCL 550.60).

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. 274

Yeas—37

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

Cassis
Cherry

Hardiman

Prusi

Van Woerkom

Nays—0

Excused—1

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. 481, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing section 8029 (MCL 600.8029).

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. 275

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

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:

House Bill No. 4623, entitled

A bill to amend 1970 PA 29, entitled “An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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. 276

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4635, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8515 (MCL 324.8515), as added by 1995 PA 60, and by adding section 8518.

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. 277

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 370, entitled

A bill to amend 1993 PA 92, entitled “Seller disclosure act,” by amending section 7 (MCL 565.957), as amended by 2003 PA 130.

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

1. Amend page 8, line 19, after “OFFICE.” by striking out the balance of the line through “TRANSFERRED.” on line 24 and inserting “**BUYER SHOULD NOT ASSUME THAT BUYER’S FUTURE TAX BILLS ON THE PROPERTY WILL BE THE SAME AS THE SELLER’S PRESENT TAX BILLS. UNDER MICHIGAN LAW, REAL PROPERTY TAX OBLIGATIONS CAN CHANGE SIGNIFICANTLY WHEN PROPERTY IS TRANSFERRED.**”

The amendment was adopted, a majority of the members serving voting therefor.

The President pro tempore, Senator Birkholz, assumed the Chair.

Senator Schauer offered the following amendment:

1. Amend page 2, line 22 after “any.” by striking out the balance of the line through “**seller.**” on line 24 and inserting “**THIS INFORMATION IS A DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY CONTRACT BETWEEN BUYER AND SELLER.**”

The amendment was adopted, a majority of the members serving voting therefor.

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. 278**Yeas—37**

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

Nays—0**Excused—1**

Clarke

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senate Concurrent Resolution No. 24.

A concurrent resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix. The question being on the adoption of the concurrent resolution, The concurrent resolution was adopted.

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

The motion prevailed.

Senator Allen's statement is as follows:

The importance of the Coast Guard Cutter *Acacia* and the stationing of the Coast Guard personnel in the northwest area of the Great Lakes is very important. As you know, northern Michigan has served as a very important and critical part of the commerce center. The decommissioning of the Coast Guard *Acacia* will have a dramatic impact on its Coast Guard's ability to support and service the sea lanes and the shipping lanes that operate from Mackinac to the area of Chicago. Also the loss will have a significant impact in the community of Charlevoix, but more importantly, its buoy-tending and ice-breaking and emergency services are critical in light of the homeland security issues that this country is facing.

I thank you for your support, and I ask for the adoption of this very important resolution.

Senate Resolution No. 40.

A resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix. The question being on the adoption of the resolution, The resolution was adopted.

Senator Jacobs offered the following resolution:

Senate Resolution No. 46.

A resolution to urge the Legislature to establish a task force to study the effects of Proposal A on schools and local governments.

Whereas, On March 15, 1994, the voters of the state of Michigan approved Ballot Proposal A (Senate Joint Resolution S), by a 1,684,541 to 750,952 margin. This proposal amended Article IX of the Constitution to, in part, raise the amount of the sales and use taxes and to cap the rate of property tax increases to the rate of inflation or 5%, whichever is less. In addition, a number of laws were tie-barred to the constitutional changes to implement the resolution and to make complementary school reforms; and

Whereas, The passage of Proposal A was a culmination of decades of efforts to reform our state's property tax and school finance mechanisms. Since that time, however, few studies of the effects of Proposal A have been initiated, despite the far-reaching and complex nature of the plan's components. This is partially in fear of "tinkering with Proposal A," although the proposal's finance mechanisms have been amended many times. Proposal A, like other major reforms, needs to be periodically reviewed and modernized; and

Whereas, Over time, Proposal A's school finance plan has produced unintended consequences. It has been the target of certain critics from both within and outside the education community. Indeed, some analysts have argued that the 6-mill State Education Tax levy is inadequate to fully fund our schools. In addition, the proposal only addressed operational funding, and capital needs are an increasingly important problem. The distribution formula has also been problematic for districts with stagnant or dropping pupil counts. Proposal A was created during a time of economic prosperity. Once the economy slowed down, sales taxes proved to be a shaky source of school funding. Moreover, schools with growing enrollments and truly exceptional educational programs have not had the resources to finance their programs in the manner that will enable them to continue to exemplify the finest in academic programming; and

Whereas, In other related arenas, reports have indicated unforeseen interactions between Proposal A and the Headlee Amendment which have negatively impacted local government finances. Clearly it is time to take a long and objective look at Proposal A, one of the most important reforms in modern Michigan history; now, therefore, be it

Resolved by the Senate, That the Legislature is urged to establish a task force to study the effects of Proposal A on schools and local governments.

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

Senators Cherry, Clark-Coleman, Garcia, Olshove, Patterson, Scott and Thomas were named co-sponsors of the resolution.

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.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Cassis introduced

Senate Joint Resolution D, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 28 of article IX, to further limit state spending.

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

Senator Toy introduced

Senate Bill No. 624, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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

Senators McManus, Jelinek, Hammerstrom, Kuipers, Jacobs and Allen introduced

Senate Bill No. 625, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

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

Senators Jacobs, McManus, Kuipers, Jelinek, Hammerstrom and Allen introduced

Senate Bill No. 626, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 909 (MCL 436.1909).

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

Senators Kuipers, McManus, Jacobs, Jelinek and Hammerstrom introduced

Senate Bill No. 627, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 111 (MCL 436.1111).

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

Senators Jelinek, McManus, Kuipers, Jacobs and Hammerstrom introduced

Senate Bill No. 628, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 107 (MCL 436.1107), as amended by 2001 PA 223.

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

Senator Garcia introduced

Senate Bill No. 629, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 518 (MCL 436.1518), as added by 2002 PA 725.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Schauer, Brater, Barcia and Leland introduced

Senate Bill No. 630, entitled

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Cassis, Basham, Barcia, Thomas, Bishop, Leland, Cherry, Emerson, Toy and Birkholz introduced

Senate Bill No. 631, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3 and 39 (MCL 338.2203 and 338.2239), section 3 as amended by 1993 PA 139 and section 39 as amended by 2003 PA 87.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Cassis, Basham, Barcia, Thomas, Bishop, Leland, Cherry, Birkholz, Emerson and Toy introduced
Senate Bill No. 632, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404a and 2411a.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senator Cassis introduced

Senate Bill No. 633, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115; and to repeal acts and parts of acts.

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

Senator Cassis introduced

Senate Bill No. 634, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

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

Senator Kuipers introduced

Senate Bill No. 635, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 25, 26, 34, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, and 38.1391), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, section 34 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 109, 110, 111, and 112 and article 7.

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

Senator Kuipers introduced

Senate Bill No. 636, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 69f (MCL 38.1369f), as added by 1989 PA 194.

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

Senator Kuipers introduced

Senate Bill No. 637, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1238. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Kuipers introduced

Senate Bill No. 638, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

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

House Bill No. 4133, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1831 (MCL 600.1831), as amended by 1984 PA 29.

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. 4679, entitled

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

The 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 Economic Development, Small Business and Regulatory Reform.

House Bill No. 4915, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

The 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 Economic Development, Small Business and Regulatory Reform.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

The Detroit News recently printed an article about the dramatic jump in home insurance premiums. They subsequently asked readers to comment on the topic. I would like to share with you some of the comments that were received and printed in the paper.

This entry came from a resident of Richmond in Macomb County, and it reads: "Welcome to Michigan: The insurance state! It doesn't matter if it's auto, home or other; Michigan residents are overcharged while those in Lansing (the Governor and legislators) twiddle their thumbs. The best thing we all could do is not take insurance and drive the prices down. Remember, there is strength in numbers."

Another Michigan resident from Battle Creek wrote: "My insurance company raised my rates at above inflation rates every year; even during the 1990s when they were getting huge investment incomes in the stock market. Then, when I made a claim on a loss due to a failed pipe, they denied payment. I had to spend over \$10,000 in legal bills to recover the \$55,000 to repair my home. Needless to say, I switched insurance companies. Competition can take care of this problem. The insurance regulators need to keep an eye on the ever growing list of exclusions and their interpretation in our policies."

The numerous comments that *The Detroit News* received from readers came from residents all across this state. This is a statewide problem, and we need to jump on board and make some real changes in our insurance system.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 564, entitled

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

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, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 4555, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

With the recommendation that the bill be referred to the Committee on Commerce and Labor.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee on Commerce and Labor.

The Committee on Transportation reported

House Bill No. 4607, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 2000 PA 110.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

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 Resolution No. 44.

A resolution honoring the 150th Anniversary of the Soo Locks in Sault Sainte Marie, Michigan.

(For text of resolution, see Senate Journal No. 59, p. 945.)

With the recommendation that the resolution be adopted.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 21, 2005, at 1:05 p.m., Room 110, Farnum Building

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

Excused: Senator Kuipers

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 21, 2005, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, June 21, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Jacobs and Clark-Coleman

Excused: Senator Sanborn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Judiciary and Corrections submitted the following:

Meeting held on Tuesday, June 21, 2005, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Brown, Garcia, Switalski and Prusi

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 23, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Thursday, June 23, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursdays, June 23 and June 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, June 23, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:41 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, June 23, 2005, at 10:00 a.m.

