

**No. 62**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Tuesday, June 28, 2005.

10:00 a.m.

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

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

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

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—excused  
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 Brian Johnson of First Baptist Church of Stockbridge offered the following invocation:

Our Heavenly Father, we thank You for this opportunity to gather together to govern this great state of Michigan, and, God, we ask that You would grant us Your wisdom, Your character, and Your integrity that we may govern well.

I pray, Lord, that we would take the model of Your Son Jesus who desired to serve, who ministered to the poor and the oppressed, and reached out to the lonely and the hurting. I pray that as these men and women govern this state that they would do so with great humility, desiring to honor You; to reach out and to serve those whom they are here to serve.

Grant them Your favor, Lord. Be with them, guide them, and direct them in all that they say and do. May they honor You. We pray in the name of Jesus. Amen.

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

### Recess

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

10:06 a.m.

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

During the recess, Senators Sanborn, Gilbert, McManus, Kuipers, Cropsey, Allen, Van Woerkom, George, Bishop, Brown, Jelinek, Sikkema, Garcia, Hardiman, Stamas and Goschka entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

**Senate Bill No. 246**

The motion prevailed.

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

The motion prevailed.

Senators Birkholz and Toy entered the Senate Chamber.

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

The motion prevailed.

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

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

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

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

### Recess

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

10:38 a.m.

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

During the recess, Senator Cassis introduced members of the FIRST Robotics Teams: Intier Automotive/Novi High School FIRST Robotic Team #503 "Frog Force," National and World Champions; and General Motors/Huron Valley Schools FIRST Robotic Team #67 "Hot Team," recipient of FIRST Chairman's Award; and presented them with a Special Tribute.

Jennifer Harvey of Novi High School; Joe Pittel of Intier Automotive; Ryan Gee, president of Team #503 "Frog Force"; Walt Hickok of General Motors; and Justin Davis of Team #67 "Hot Team" responded briefly.

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

**Commission of Natural Resources**

Mr. Darnell Earley, a Democrat, of P.O. Box 70141, Lansing, Michigan 48908, county of Ingham, succeeding William Parfet, whose term has expired, appointed for a term commencing May 3, 2005 and expiring December 31, 2008.

Mr. Frank C. Wheatlake, an Independent, of 9264 East 7 Mile Road, Big Rapids, Michigan 49307, county of Newaygo, reappointed for a term expiring December 31, 2008.

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

The following communication was received:

Municipal Employees' Retirement System of Michigan

June 22, 2005

Enclosed is a copy of the Comprehensive Annual Financial Report for the year Ending December 31, 2004. I am providing this to you pursuant to the requirements of the MERS Plan Document and MCL 38.1536(2)(f). Please read the report into the Daily Journal, since the journal is the recognized official document for communication for the members of the Legislature.

The report can also be found on our website at: [www.mersofmich.com](http://www.mersofmich.com). We hope that you find the report informative.

Sincerely,  
Anne M. Wagner  
Chief Executive Officer

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 23:  
**House Bill Nos. 4148 4860**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 23, for her approval the following bill:

**Enrolled Senate Bill No. 73 at 12:35 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, June 27, for her approval the following bills:

**Enrolled Senate Bill No. 512 at 2:10 p.m.**

**Enrolled Senate Bill No. 514 at 2:12 p.m.**

**Enrolled Senate Bill No. 515 at 2:14 p.m.**

**Enrolled Senate Bill No. 516 at 2:16 p.m.**

**Enrolled Senate Bill No. 517 at 2:18 p.m.**

**Enrolled Senate Bill No. 518 at 2:20 p.m.**

**Enrolled Senate Bill No. 2 at 2:22 p.m.**

**Enrolled Senate Bill No. 412 at 3:33 p.m.**

The Secretary announced that the following official bills were printed on Thursday, June 23, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>624</b>	<b>625</b>	<b>626</b>	<b>627</b>	<b>628</b>	<b>629</b>	<b>630</b>	<b>631</b>	<b>632</b>	<b>635</b>	<b>636</b>	<b>637</b>	<b>638</b>
<b>House Bill Nos.</b>	<b>4982</b>	<b>4983</b>	<b>4984</b>	<b>4985</b>	<b>4986</b>	<b>4987</b>	<b>4988</b>	<b>4989</b>	<b>4990</b>				

The Secretary announced that the following official bills were printed on Friday, June 24, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>639</b>	<b>640</b>	<b>641</b>	<b>642</b>	<b>643</b>	<b>644</b>	<b>645</b>	<b>646</b>						
<b>House Bill Nos.</b>	<b>4992</b>	<b>4993</b>	<b>4994</b>	<b>4995</b>	<b>4996</b>	<b>4997</b>	<b>4998</b>	<b>4999</b>	<b>5000</b>	<b>5001</b>	<b>5002</b>	<b>5003</b>	<b>5004</b>	<b>5005</b>

### Messages from the Governor

The following message from the Governor was received on June 24, 2005, and read:

#### EXECUTIVE ORDER No. 2005-15

#### **Amendment of Executive Order 2005-11 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, the Michigan Task Force on Elder Abuse was created by Executive Order 2005-11;

WHEREAS, it is necessary and desirable to amend Executive Order 2005-11 to expand the membership of the Task Force;

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:

Section I of Executive Order 2005-11 is amended to read as follows:

#### **I. 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 17 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.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 23rd day of June, 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:

June 24, 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 1 of 1963 (2nd Ex Sess) PA 48, MCL 390.551:

#### **Board of Control for Eastern Michigan University**

Mr. Floyd Clack of 3120 Helber Street, Flint, Michigan 48504, county of Genesee, succeeding Steven Gordon, who has resigned, representing the general public, for a term commencing June 24, 2005 and expiring December 31, 2006.

June 24, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of 1950 (Ex Sess) PA 21, MCL 254.302:

**Mackinac Bridge Authority**

Ms. Barbara J. Brown, a Democrat, of 280 Graham Avenue, St. Ignace, Michigan 49781, county of Mackinac, succeeding Jon G. LaSalle, who has resigned, appointed for a term commencing June 24, 2005 and expiring June 30, 2010.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

June 24, 2005

Due to typographical errors on the June 22, 2005 letter filed with your office pursuant to Section 6 of the Michigan Economic and Social Opportunity Act of 1981, 1981 PA 230, MCL 400.1106, please be advised of the following corrections:

**Commission on Community Action and Economic Opportunity**

Ms. Karol J. Bolton of 923 East Church Street, Adrian, Michigan 49221, county of Lenawee, appointed to represent elected public officials, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Sheilah P. Clay of 24376 Millcreek Court, Farmington Hills, Michigan 48336, county of Oakland, appointed to represent **the private sector**, for a term commencing June 22, 2005 and expiring June 21, 2008.

Mr. William J. Dubord of 716 South 19th Street, Escanaba, Michigan 49829, county of Delta, appointed to represent community action agencies, for a term commencing June 22, 2005 and expiring June 21, 2008.

Mr. Gary W. Gilbert of **P.O. Box 275**, 660 West Main Street, Mecosta, Michigan 49332, county of Mecosta, appointed to represent community action agencies, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Sonia M. Harb of 6451 Schaefer, Dearborn, Michigan 48126, county of Wayne, appointed to represent the private sector, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Alicia E. Harrison of 7825 Madeline Street, Saginaw, Michigan 48609, county of Saginaw, appointed to represent **the private sector**, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Marsha A. Kreucher of 134 West Michigan, Suite 300, Jackson, Michigan 49201, county of Jackson, appointed to represent community action agencies, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Tracey I. Nash of 112 Johnson, Gowen, Michigan 49326, county of Montcalm, appointed to represent low income individuals, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Eva L. Ozier of 421 Phelps Avenue, Kalamazoo, Michigan 49048, county of Kalamazoo, appointed to represent elected public officials, for a term commencing June 22, 2005 and expiring June 21, 2008.

Mr. Daniel J. Piepszowski of 3424 Kensington Road, Detroit, Michigan 48224, county of Wayne, appointed to represent the private sector, for a term commencing June 22, 2005 and expiring June 21, 2008.

Ms. Sonia M. Harb of 6451 Schaefer, Dearborn, Michigan 48126, county of Wayne, is also designated to serve as Chairperson of the Commission on Community Action and Economic Opportunity, to serve as Chairperson for a term expiring at the pleasure of the Governor.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

**Commission of Natural Resources**

Mr. Darnell Earley, a Democrat, of P.O. Box 70141, Lansing, Michigan 48908, county of Ingham, succeeding William Parfet, whose term has expired, appointed for a term commencing May 3, 2005 and expiring December 31, 2008.

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

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

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

**Roll Call No. 280**

**Yeas—36**

Allen  
Barcia

Cherry  
Clark-Coleman

Hardiman  
Jacobs

Sanborn  
Schauer



By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 564, entitled**

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

The 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. 282**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Johnson
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**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. 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.

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. 283**

**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott



**House Bill No. 4715, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41323; and to repeal acts and parts of acts.

**House Bill No. 4716, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41309 (MCL 324.41309), as added by 2003 PA 270.

**House Bill No. 4322, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766f.

**House Bill No. 4821, entitled**

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 2002 PA 600.

**Senate Bill No. 503, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 440 (MCL 206.440), as amended by 1996 PA 484.

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. 4541, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2004 PA 266, and section 537 as amended by 2001 PA 223.

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

1. Amend page 4, line 10, after "subsection" by striking out "(2)" and inserting "(3)".

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 a substitute therefor, the following bill:

**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.

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. 373, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

Substitute (S-3).

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

1. Amend page 1, line 1, after "PERSON" by inserting "IN THIS STATE".

2. Amend page 2, following line 6, by inserting:

"(D) PROVIDE OR OFFER TO PROVIDE, WITH OR WITHOUT REMUNERATION, AN ANIMAL FOR COMPUTER-ASSISTED SHOOTING."

3. Amend page 2, line 10, after "ANIMAL" by inserting a comma and "WHETHER OR NOT THE ANIMAL IS".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 620, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 236b. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4465, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

Substitute (S-1).

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

1. Amend page 1, line 1, after "**PERSON**" by inserting "**IN THIS STATE**".

2. Amend page 2, following line 6, by inserting:

**"(D) PROVIDE OR OFFER TO PROVIDE, WITH OR WITHOUT REMUNERATION, AN ANIMAL FOR COMPUTER-ASSISTED SHOOTING."**

3. Amend page 2, line 10, after "**ANIMAL**" by inserting a comma and "**WHETHER OR NOT THE ANIMAL IS**".

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

By unanimous consent the Senate returned to the order of  
**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**

The motion prevailed.

**Senate Bill No. 79, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

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. 167, entitled**

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education and continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

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

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.

**Senate Bill No. 302, entitled**

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

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,

Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

**Senate Bill No. 303, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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 pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 356, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5309a.

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 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, 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," by amending section 4108 (MCL 324.4108).

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

**Senate Bill No. 419, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 460.6), as amended by 1993 PA 355.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending the title and section 6 (MCL 460.6), the title as amended by 2000 PA 141 and section 6 as amended by 1993 PA 355.

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

**Senate Bill No. 513, entitled**

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state

departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m, 509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q, 168.509gg, 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, 509gg, 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 500b as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, 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, and by adding sections 302a and 509hh.

Substitute (H-1).

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

Senator Emerson offered the following amendment to the substitute:

1. Amend page 11, line 24, by striking out all of sections 500b, 509m, 509q, 509gg and **509HH**.

The amendment to the substitute was not adopted.

Senator Schauer requested the yeas and nays.

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

The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

**Roll Call No. 284**

**Yeas—16**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Emerson	Olshove	Switalski
Brater	Hardiman	Prusi	Thomas

**Nays—20**

Allen	Cropsey	Hammerstrom	Sanborn
Birkholz	Garcia	Jelinek	Sikkema
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Toy
Cassis	Goschka	Patterson	Van Woerkom

**Excused—2**

Clarke	Johnson
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**Not Voting—0**

In The Chair: President

Senator Hammerstrom offered the following amendments to the substitute:

1. Amend page 15, line 24, after "**THE**" by inserting "**MOST RECENT**".

2. Amend page 15, line 25, after "**BY**" by striking out the balance of the line through "**OFFICIAL**" on line 26 and inserting "**A COUNTY CLERK, CITY CLERK, TOWNSHIP CLERK, VILLAGE CLERK, PRECINCT ELECTION INSPECTOR, OR THE SECRETARY OF STATE, AS APPROPRIATE,**".

3. Amend page 15, line 26, after “IS” by striking out the balance of the subsection and inserting “NECESSARY TO VERIFY THE AUTHENTICITY OF A SIGNATURE OR A REGISTERED ELECTOR’S IDENTITY UNDER THE FOLLOWING:

(A) SECTION 409B, A SIGNATURE APPEARING ON AN AFFIDAVIT OF CANDIDACY FOR A JUDGE OF THE COURT OF APPEALS.

(B) SECTION 413A, A SIGNATURE APPEARING ON AN AFFIDAVIT OF CANDIDACY FOR A JUDGE OF THE CIRCUIT COURT.

(C) SECTION 433A, A SIGNATURE APPEARING ON AN AFFIDAVIT OF CANDIDACY FOR A PROBATE COURT JUDGE.

(D) SECTION 467C(1), A SIGNATURE APPEARING ON AN AFFIDAVIT OF CANDIDACY FOR A DISTRICT COURT JUDGE.

(E) SECTION 476(1), A SIGNATURE APPEARING ON AN INITIATIVE OR REFERENDUM PETITION.

(F) SECTION 507(2), A SIGNATURE APPEARING ON A TRANSFER OF REGISTRATION REQUEST.

(G) SECTION 520, A SIGNATURE APPEARING ON A VOTER REGISTRATION THAT IS UNDER INVESTIGATION.

(H) SECTION 523(1), A SIGNATURE APPEARING ON AN APPLICATION TO VOTE.

(I) SECTION 544C, A SIGNATURE APPEARING ON A NOMINATING PETITION.

(J) SECTION 552, A SIGNATURE APPEARING ON A NOMINATING PETITION.

(K) SECTION 558, A SIGNATURE APPEARING ON AN AFFIDAVIT OF IDENTITY.

(L) SECTION 590F, A SIGNATURE APPEARING ON A QUALIFYING PETITION.

(M) SECTION 685, A SIGNATURE APPEARING ON A PETITION TO FORM A NEW POLITICAL PARTY.

(N) SECTION 761(1), A SIGNATURE APPEARING ON AN ABSENT VOTER BALLOT APPLICATION.

(O) SECTIONS 766, 767, AND 792A, A SIGNATURE APPEARING ON AN ABSENT VOTER BALLOT RETURN ENVELOPE CONTAINING AN ABSENT VOTER’S MARKED ABSENT VOTER BALLOT OR BALLOTS.

(P) SECTION 961(5), A SIGNATURE APPEARING ON A RECALL PETITION.

(Q) SECTION 961A, A CHALLENGED SIGNATURE APPEARING ON A RECALL PETITION.

(R) SECTION 544B, A SIGNATURE ON AN AFFIDAVIT STATING THAT A JUDICIAL CANDIDATE POSSESSES THE CONSTITUTIONAL QUALIFICATION TO HOLD JUDICIAL OFFICE.”.

The amendments to the substitute were adopted.

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

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

**Roll Call No. 285**

**Yeas—21**

- |          |             |           |             |
|----------|-------------|-----------|-------------|
| Allen    | Garcia      | Hardiman  | Sanborn     |
| Birkholz | George      | Jelinek   | Sikkema     |
| Bishop   | Gilbert     | Kuipers   | Stamas      |
| Brown    | Goschka     | McManus   | Toy         |
| Cassis   | Hammerstrom | Patterson | Van Woerkom |
| Cropsey  |             |           |             |

**Nays—15**

- |         |               |         |           |
|---------|---------------|---------|-----------|
| Barcia  | Cherry        | Leland  | Scott     |
| Basham  | Clark-Coleman | Olshove | Switalski |
| Bernero | Emerson       | Prusi   | Thomas    |
| Brater  | Jacobs        | Schauer |           |

**Excused—2**

Clarke

Johnson

**Not Voting—0**

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended.

**Protest**

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 513 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement is as follows:

As you all know, this bill passed this chamber unanimously because it was a simple bill to address yet a few more unintended consequences arising out of the election consolidation package. However, when the bill went to the House floor, floor amendments concerting digital signatures were placed in the bill. As we looked closely at the language, it became clear that the language was unclear. We have asked that this language be removed and the matter addressed separately with hearings in both chambers.

After meeting with the director of elections, we remained concerned about the hasty insertion of this language. This language allows those digital signatures to be used by people with no training in handwriting analysis. It provides no standards and no clear direction for the volunteer election workers and could lead to large scale disenfranchisement of voters on Election Day. We really don’t want another Florida. We want our election law to be clear. We don’t want senior citizens to have to stand there and explain why their new signature might or might not match a 40-year-old signature. We are not against digital signatures, but we want to get it right the first time. This bill as amended by the House falls short of that requirement.

I ask the members not to concur in the House substitute.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 47**

The resolution consent calendar was adopted.

Senator Clarke offered the following resolution:

**Senate Resolution No. 47.**

A resolution commemorating the 23rd Annual Metro Detroit Youth Day.

Whereas, The 23rd Annual Metro Detroit Youth Day, sponsored by General Motors, Spartan Stores, Inc., Ford Motor Company, Pepsi-Cola Company, *Detroit Free Press*, Toyota USA, Volkswagen, SBC, McDonald’s, Sam’s Clubs, Big Boy Restaurants, Kroger Food Stores, Michigan Food & Beverage Association, Wendy’s International, Detroit Lions, Detroit Pistons, Detroit Tigers, Compuware, DOC Optics, Inc., DTE Energy, Detroit Recreation Department, Blue Cross/Blue Shield of Michigan, Cingular Wireless, Wayne County Park Systems, Fairlane Town Center, WDIV-TV, WWJ Newsradio 950, Penske Corporation, Health Plan of Michigan, Research Federal Credit Union, Health Alliance Plan, Target Stores, and many other sponsors, including food and beverage firms and over 190 community and youth organizations—who recognize that leisure and recreation are basic human needs and that youth must use this time

wisely to improve the quality of their lives and life's disciplines—will be held July 13, 2005, at Belle Isle's Athletic Field in Detroit; and

Whereas, Metro Detroit Youth Day, the largest youth event in Michigan, emphasizes the need for physical education facilities and fitness with the need for good sportsmanship; and

Whereas, It is acknowledged that the youth are a valuable asset to our communities and the foundation of our future; and

Whereas, Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities; and

Whereas, Metro Detroit Youth Day provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Community groups such as the NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus: HOPE, United Way for SE Michigan, Special Olympics, Detroit Police Cadets, New Detroit, Inc., and many others are participating as co-sponsors; and

Whereas, Outstanding and dedicated community leaders, including Ed Deeb of the Michigan Food & Beverage Association; Dr. Tom Moss, retired former Detroit police chief; Keith Bennett of Goodwill Industries; Charles Beckham of the Detroit Recreation Department; Sergeant Curtis Perry of the Detroit Police Cadets; and Dr. Lynne Boyle of the Kiwanis Club are co-chairing this event, along with over 900 volunteers supervising the 23,000 youth who are expected to attend; now, therefore, be it

Resolved by the Senate, That we hereby proclaim Wednesday, July 13, 2005, as the 23rd Annual Metro Detroit Youth Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our esteem for their dedication and commitment to the youth of Metro Detroit.

Senators Basham, Clark-Coleman, Garcia, Goschka, Jacobs, Olshove, Scott, Switalski and Thomas were named co-sponsors of the resolution.

Senator Sanborn offered the following concurrent resolution:

**Senate Concurrent Resolution No. 25.**

A concurrent resolution memorializing the Congress of the United States to oppose the SMART Act, which would create mandatory federal standards and regulation of insurance.

Whereas, The State Modernization and Regulatory Transparency (SMART) Act, which would create mandatory federal insurance standards preempting state law and undermining the sovereignty of state governments, is being considered by certain members of the United States Congress. State legislatures are more responsive to the needs of their constituents and are more knowledgeable regarding the market conditions that may exist in individual states and the need for unique insurance products and regulation to meet their specific market demands; and

Whereas, Regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments. State legislatures are the proper governmental entity to determine public policy on insurance issues. This has been demonstrated in the 60 years since the enactment of the McCarran-Ferguson Act of 1945, which reserved the regulation of the business of insurance to the states; and

Whereas, In 2003, Michigan derived \$28.9 million in general revenue dollars from insurance taxes, fees, assessments, and fines and penalties. This revenue would be lost if Congress federalizes insurance regulation. Moreover, Michigan's recently revised insurance statutes not only modernize market regulation, but provide insurers with greater ability to respond to changes in market conditions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature express its strong opposition to federal legislation, such as the SMART Act, that would impair, erode, and limit the ability of state governments to regulate the business of insurance; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the 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 Banking and Financial Institutions.

The motion prevailed.

Senators Birkholz, Garcia and Goschka were named co-sponsors of the concurrent resolution.

### Introduction and Referral of Bills

Senator Sanborn introduced

**Senate Bill No. 647, entitled**

A bill to restrict the use and disclosure of certain statements made by law enforcement officers.

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

Senator Basham introduced

**Senate Bill No. 648, entitled**

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; 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 Judiciary.

Senators Stamas and Cherry introduced

**Senate Bill No. 649, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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

**House Bill No. 4148, entitled**

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

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

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

**House Bill No. 4860, entitled**

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

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 Natural Resources and Environmental Affairs.

### Statements

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

The motion prevailed.

Senator Leland’s statement is as follows:

I rise today to respond to continued developments in the city of Detroit. As you may have heard, our Mayor finally went on the radio last month to apologize for his behavior. Let me say for the record—“Mr. Mayor, it is way too little way too late. An apology might have been in order after the first indiscretion three years ago, or even after the second, but after a pattern of three and a half years of mistake after mistake, ethical lapse after ethical lapse, bad judgment after bad judgment, the fact that you are just now acknowledging them says everything we need to know about your judgment, your leadership, and your character.”

Let me be clear about what we’ve learned while the city of Detroit has continued to decline. This kid has had the time of his life partying, passing out patronage, and lining the pockets of friends and family. “Excuse me, Mr. Mayor, but this kind of repeated behavior is beyond excuse and forgiveness.”

After three and a half years, it is easy to become numb to the repeated revelations of abuse by the Mayor, so let me take a moment to remind everyone of his history. Press reports indicate that Kilpatrick has placed at least 17 close friends and relatives on the city payroll. The Mayor has established a foundation, ostensibly, to provide scholarships.

Of the foundation's \$700,000 budget, only \$50,000 went to kids, while over \$200,000 was spent on salaries for his wife, his sister, and the wife of his COO. While the city is forced to lay off police officers, our Mayor runs around the country partying with the largest security force of any mayor in the country, many of whom are nothing more than his running buddies from high school.

The Mayor's after-hours behavior has become so notorious that the chief of police of Washington, D.C., now refuses to provide police protection to our Mayor when he is in Washington on business. And let's not forget that when his very own police department began to investigate the misdeeds of his security detail, the Mayor's response was to fire or reassign the investigators. The Mayor's travel is legendary. Who among us have ever heard of Dubai before the Mayor's trip there?

Most recently, we've read the accounts of the Mayor's chief of staff shaking down a local bank for a loan and receiving a \$12,000 grant reserved for poor people, despite her six-figure salary.

We've all seen reports of the Mayor's credit card—\$210,000 in dining and entertainment expenses. When, after three years of wining and dining, he gets caught with his hand in the cookie jar, he reimburses the city less than \$9,000, sticking us with the bill for the balance. Good work if you can get it.

And let's not forget the infamous Navigator. He has the city lease it for his wife, tries to hide the deal, and when he gets caught red-handed, tries to deny that it ever happened. All of this might seem laughable if it were not so tragic. Our Mayor has become a national embarrassment, with *TIME* magazine noting him as one of the worst mayors in America.

Of course, these personal outrages pale in comparison to the substantive damage the Mayor does to our city. The city experienced budget surpluses in seven of the eight years under the previous mayor. After three years of ignoring a growing fiscal problem, draining the rainy day fund, and playing accounting games, the chickens have come home to roost. The city now faces a \$300 million deficit. The problem, my friends, is management, not money. Had the Mayor focused his attentions three years ago on the city's dire straits, rather than finding his next five-star meal, we might not be facing the prospect of laying off police officers and firefighters.

The Mayor's ethical lapses do have an impact on running of the city. The Mayor's example breeds a culture of arrogance and entitlement that engulfs the departments at the expense of service and responsiveness. Is it any wonder when you see the Mayor's personal behavior? Without belaboring the details, Navigators, credit cards, and a sense of personal entitlement breeds either the same from city workers or complete despondency.

This has taken its toll. People are voting with their feet. Our current population, around 900,000, represents a staggering abandonment that continues unabated. We've lost over 55,000 people the last three and a half years. Most of those leaving are middle-class families. Those who remain are the people who cannot afford to move—the elderly and the poor.

All this leads me to wonder, "Why, after three and a half years of this, you have suddenly seen the error of your ways. Why, now a mere 60 days before your primary, have you seen the light and now understand your mistakes? Excuse me if I am skeptical of your apology."

If Kwame Kilpatrick were truly remorseful, he'd do the right thing. He'd resign and suspend his campaign in disgrace. But something tells me that personal redemption is not the purpose of his so-called apology. Making sure he's got access to the cookie jar for the next four more years is what this is all about.

If we elect the Mayor, God help us, we get what we deserve.

Senator Sikkema's statement is as follows:

I rise today just for a brief statement, and I don't want to make things any bigger than they are. Last week, I raised a point of order a couple of times when the Senate Democratic Leader was speaking. And upon reflection of that over the weekend, I thought although a point of order just by its very nature is always in order, I thought my raising it was inappropriate. I offer my apology to the Senate Minority Leader for doing that. I value the rules and the decorum of the Senate. There is a time for a point of order when it is clearly legitimate, but I felt that that was not a legitimate raising of the point of order. I did it twice. It's fair game for him to do it to me twice. That's totally acceptable. But I also take a moment to offer my apology.

Senator Scott's statement is as follows:

Well, on yesterday evening, there was a workgroup meeting of insurance at Greater Emmanuel Church of God on Schafer in Detroit that was well attended. They gave the same testimony that I've been reading to you from my e-mails. What I heard last night is that they are tired of meetings. They want us to do something about these high insurance rates. Although it was mentioned that there was a study that was done that said our rates were not too high, well, they all disagreed with that. So I think we need to very soon start dealing with these bills and insurance and give these people some relief. And we don't have to keep meeting. We know that the rates are extremely high.

We are losing residents from the city of Detroit, which is the largest city in the state of Michigan. Just remember, if Detroit goes, so does the rest of this state. So I would hope that we would start to work on these insurance issues immediately. Remember, it's been close to two years, and it's been about 20 years since these rates have been too high.

### Committee Reports

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

**Senate Bill No. 34, entitled**

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

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Alan Sanborn  
Chairperson

To Report Out:

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

Nays: None

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

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

**Senate Bill No. 599, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, June 22, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Education reported

**Senate Bill No. 247, entitled**

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

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**Senate Bill No. 601, entitled**

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

The Committee on Education reported

**Senate Bill No. 609, entitled**

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

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

The Committee on Education reported

**Senate Bill No. 610, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

The Committee on Education reported

**Senate Bill No. 611, entitled**

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

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

The Committee on Education reported

**Senate Bill No. 612, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1230d. 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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 23, 2005, at 2:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, June 23, 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, June 23, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, June 23, 2005, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Hardiman and Clarke

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, June 30, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** -

**Subcommittee** -

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

**Economic Development, Small Business and Regulatory Reform** - Wednesday, June 29, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Finance** - Wednesday, June 29, 1:00 p.m., Room 110, Farnum Building (373-1758)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:49 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 29, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

