

No. 43
STATE OF MICHIGAN
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Senate Chamber, Lansing, Thursday, May 12, 2005.

10:00 a.m.

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

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

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

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

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

Pastor Frank Hampton, Jr., of Church of God of Jackson offered the following invocation:

Our gracious heavenly Father, we are indeed thankful for this glorious privilege of approaching Thy great throne. We thank You, Lord, for the measure of freedom that we are now enjoying. We thank You, Lord, for the privilege to stand before these precious people who have such a great responsibility. May they be made fully aware of it today.

We pray for the Governor, for the Senate, the Congress, and all those who are responsible for these decisions. May we all realize that we all have to live with the results of our choices and our decisions. We pray that Your hand will be upon us, Lord, and we sense our insufficiency. We are appealing to Thee. Our sufficiency is in Thee.

You said in Your Word that if in all our ways we would acknowledge Thee, Thou would direct our paths. Certainly, in a time of chaos and torment such as we are now living, we need Your divine intervention and Your direction. So we appeal to Thee even now. We pray that You would help us, Lord, and guide us in all the decisions that shall be made. When it's all over, may we leave with the satisfaction that comes from the realization of duty faithfully performed.

In Christ's name we ask these blessing and for this state we pray. Amen.

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

Motions and Communications

Senators Brater and Emerson entered the Senate Chamber.

Senator Cropsey moved that Senator Johnson be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senator Hammerstrom be excused from today's session.
The motion prevailed.

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

Senator Barcia entered the Senate Chamber.

Senator Cropsey moved that the rules be suspended and that the following resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 32

Senate Resolution No. 33

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

Senators Johnson, Bernero and Thomas entered the Senate Chamber.

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, May 11, and are available at the legislative website:

Senate Bill Nos.	482	483	484	485	486	487	488											
House Bill Nos.	4745	4746	4747	4748	4749	4750	4751	4752	4753	4754	4755	4756	4757	4758				
	4759	4760	4761	4762	4763	4764	4765	4766	4767	4768								
House Joint Resolution		I																

Messages from the House

Senator Cropsey moved that consideration of the following bill be postponed for today:
Senate Bill No. 332
The motion prevailed.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

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. 120

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 306, entitled

A bill to authorize the department of management and budget to convey certain parcels of state owned property in Eaton county; to prescribe conditions for the conveyances; to provide for certain powers and duties of the department of management and budget in implementing those conveyances; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 434, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 9 (MCL 247.909), as amended by 1993 PA 149.

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

1. Amend page 2, line 6, after "**CENTERS**" by inserting "**THAT ARE AT LEAST 500,000 SQUARE FEET**".

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. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b. Substitute (S-2).

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

1. Amend page 3, line 9, after "**TO**" by striking out "**ANY**" and inserting "**ONLY A**".
2. Amend page 3, line 10, after "**REQUEST.**" by inserting "**THE LOG OR OTHER MEANS OF RECORDING THE SALE IS NOT A PUBLIC RECORD AND IS NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. A PERSON SHALL NOT SELL OR PROVIDE A COPY OF THE LOG OR OTHER MEANS OF RECORDING THE SALE TO ANOTHER FOR THE PURPOSE OF SURVEYS, MARKETING, OR SOLICITATIONS.**".

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
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 434

Senate Bill No. 189

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

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

Senate Bill No. 434

Senate Bill No. 189

House Bill No. 4272

House Bill No. 4273

House Bill No. 4225

Senate Bill No. 438

Senate Bill No. 399

House Bill No. 4434

Senate Bill No. 352

House Bill No. 4405

Senate Bill No. 302

Senate Bill No. 303

House Bill No. 4450

House Bill No. 4451

House Bill No. 4452

House Bill No. 4453

House Bill No. 4454

Senate Bill No. 358

Senate Bill No. 359

Senate Bill No. 416

Senate Bill No. 249

Senate Bill No. 463
Senate Bill No. 464
Senate Bill No. 175

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 434, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 9 (MCL 247.909), as amended by 1993 PA 149.

The question being on the passage of the bill,

Senator Emerson offered the following amendment:

1. Amend page 2, line 6, by striking out all of subparagraph (viii) and inserting:

“(viii) **DISTRIBUTION CENTERS TO WHICH BOTH OF THE FOLLOWING APPLY:**

(A) WORKERS AT THE DISTRIBUTION CENTER ARE PAID, ON AVERAGE, AT LEAST THE AVERAGE WEEKLY WAGE FOR WORKERS IN THIS STATE AS DETERMINED BY THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH.

(B) THE DISTRIBUTION CENTER IS AT LEAST 500,000 SQUARE FEET.”.

The question being on the adoption of the amendment,

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 121

Yeas—16

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

Nays—21

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

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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. 122**Yeas—23**

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

Nays—14

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Prusi	Thomas
Brater	Emerson		

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 189, entitled

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

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. 123**Yeas—36**

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

Nays—1

Johnson

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senators Allen, Barcia, Basham, Bernero, Bishop, Brater, Brown, Cassis, Cherry, Clarke, Cropsey, Garcia, George, Goschka, Jacobs, Jelinek, Kuipers, Sanborn, Switalski and Van Woerkom were named co-sponsors of the bill.

The following bill was read a third time:

House Bill No. 4272, entitled

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," by amending section 1 (MCL 35.381), as amended by 1988 PA 263.

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. 124**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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

The following bill was read a third time:

House Bill No. 4273, entitled

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," (MCL 35.381 to 35.833) by adding section 1a.

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. 125

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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

The following bill was read a third time:

House Bill No. 4225, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2001 PA 65.

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. 126

Yeas—37

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

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Emerson
Garcia
George
Gilbert
Goschka
Hardiman

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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

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

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

“An act to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the department of history, arts, and libraries; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 438, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

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. 127

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 399, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 13538 and 13833.

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. 128

Yeas—21

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

Nays—16

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

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Protest

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 399 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:

I am asking my colleagues to oppose Senate Bill No. 399. As I said on the floor before, I believe that the Clean Corporate Citizen program does not belong in statute and does not require the financial incentives included in this bill to attract and maintain participants. As several members from across the aisle indicated in previous debate, this is a program that has worked well as it presently functions, and that has occurred without being elevated to the level of a statutory program. The DEQ invests a great deal of time and energy ensuring that C3 applicants are in compliance with environmental laws to earn their C3 designation.

Placing the C3 program into statute and offering a \$500 rebate in permit fees for a C3 company increases the burden on the department and formalizes an informal program that should remain flexible and informal. The bill simultaneously cuts the resources of the DEQ, which already has suffered serious cuts in its overall funding and currently seeks several fee increase proposals to protect human health and ensure clean air and water.

In short, the bills chip away at agency funding while proposing to reward companies for simply complying with the law for doing what they should be doing anyway. Most importantly, as proposed, Senate Bill No. 399 appears to be fixing a problem that does not exist, and further, it tampers with legitimate executive branch authority by placing DEQ rules into statute and then directly prohibits the administration from promulgating any further rules for this program. This legislation is both unnecessary and inappropriately mettles with the authority of the executive branch.

The following bill was read a third time:

House Bill No. 4434, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17752 (MCL 333.17752).

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. 129

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 352, entitled

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

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

- 1. Amend page 1, line 1, after “**PHARMACY**” by inserting “**LOCATED IN THIS STATE AFTER JANUARY 1, 2007,**”.

The question being on the adoption of the amendment,

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 130

Yeas—16

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

Nays—21

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

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

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. 131**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Barcia, Basham, Bishop, Brater, Cherry, Clark-Coleman, George, Gilbert, Goschka, Jacobs, Olshove, Schauer and Van Woerkom were named co-sponsors of the bill.

The following bill was read a third time:

House Bill No. 4405, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

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. 132**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—0

Excused—1

Hammerstrom

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

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 133

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 134

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 217 (MCL 257.217), as amended by 2002 PA 652.

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. 135**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe

the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4451, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80320 (MCL 324.80320), as added by 1995 PA 58.

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. 136

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

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 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:

House Bill No. 4452, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30d (MCL 125.2330d).

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. 137**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

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 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 create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal 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:

House Bill No. 4453, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81108 (MCL 324.81108), as added by 1995 PA 58.

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. 138**Yeas—37**

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

Brater
Brown
Cassis
Cherry

Gilbert
Goschka
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

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 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:

House Bill No. 4454, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending section 9311 (MCL 440.9311), as amended by 2001 PA 145.

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. 139

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

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 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 enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; 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. 358, entitled

A bill to create and provide for the operation of the life science investment authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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. 140**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to speak in favor of Senate Bill No. 358. Michigan took a very good step, a very important step toward building its new economy when we established the Life Sciences Corridor a few years ago. That action moved us to the forefront of states. We heard yesterday in the labor and economic growth subcommittee that nearly all states are looking at life sciences for their economy. We need to take additional steps to ensure that we keep our place among the leading states.

Senate Bill No. 358 would help close an important gap in our life sciences effort. It would hopefully provide a funding mechanism that helps to move research into practical and commercial enterprises. Michigan would provide a portion of the funds entrepreneurs and scientists need to move their ideas into the marketplace. We would use the returns on those investments for future efforts. This is an option that is not the only option, but it's an important option for our state to make available.

I know in my district that the Life Sciences Corridor is yielding benefits to the community. Senate Bill No. 358 would expand those to the state. It's a good bill and a timely bill. I ask for my Senate colleagues' support on Senate Bill No. 358.

The following bill was read a third time:

Senate Bill No. 359, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A. 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. 141**Yeas—37**

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

Nays—0**Excused—1**

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.
 Senator George moved that he be named co-sponsor of the bill.
 The motion prevailed.

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

The motion prevailed.

Senator George's statement is as follows:

I rise to speak in favor of this bill and, in fact, in favor of the two-bill package. Senate Bill Nos. 358 and 359 address two of the state's important needs. One is job creation and the other is our public health crisis. Regarding job creation, we are all familiar with the precarious state of our economy which has resulted from the loss of manufacturing jobs, and we know that the life sciences industry is the fastest-growing segment of the economy, but it is hampered by a lack of capital and a need for coordination of resources. Now in Michigan, we are one of the few areas in the world that has all the assets in place to take a concept from the chalkboard to the pharmacy shelf or to the hospital bedside.

We have a proven track record of commercialization of health products from Kellogg's Cornflakes and Post Toasties, which started as health foods, to the cast-cutting saw which was developed and invented in Kalamazoo and the circle bed, to potent antibiotics and life-saving steroids, and now to drug alluding stents that are used to keep cardiac arteries open.

Creating a life sciences pipeline will codify these resources and make them readily available to the firms which seek to commercialize an idea. Now, as we also know, we are also in the midst of a public health crisis. We are afflicted by the twin pandemics of smoking and lack of exercise which result in hypertension, diabetes, and cardiovascular disease, which in turn result in strokes, heart attacks, and other vascular occlusions. This causes great suffering and economic loss to our people.

A life sciences pipeline offers both the possibility of increased employment through growth of our life sciences industry, but also the possibility of finding treatments that work for these behavioral and medical conditions that plague us. Imagine, colleagues, the benefits of finding a vaccine for AIDS or a device or drug that could clean arteries without the need for surgery. Imagine the lives saved and the suffering relieved by such a discovery. Well, we are on the cusp of such discoveries now, and we may see them in our lifetime.

Michigan can be a leader and play an important role in improving the quality of life of its residents, but also in fostering job creation through the passage of these important measures.

The following bill was read a third time:

Senate Bill No. 416, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending the title and sections 1, 2, 3, and 4 (MCL 722.671, 722.672, 722.673, and 722.674), sections 1 and 3 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cropsey offered the following amendments:

1. Amend page 14, line 27, subparagraph (ii), after "**RESIDENCE**" by inserting "**OR OTHERWISE MADE DIRECTLY AVAILABLE THROUGH THE INTERNET TO THE PURCHASER OR RENTER**".

2. Amend page 15, line 25, after "**TO**" by striking out the balance of the section and inserting "**ANY OF THE FOLLOWING:**

(A) **A MEDIUM OF COMMUNICATION TO THE EXTENT REGULATED BY THE FEDERAL COMMUNICATIONS COMMISSION.**

(B) **AN INTERNET SERVICE PROVIDER OR COMPUTER NETWORK SERVICE PROVIDER WHO IN GOOD FAITH, AND WITHOUT KNOWLEDGE OF THE CONTENT OF THE MATTER BEING COMMUNICATED, PROVIDES THE MEDIUM FOR COMMUNICATION OF THE MATTER. AS USED IN THIS SECTION, "INTERNET SERVICE PROVIDER" MEANS A PERSON WHO PROVIDES A SERVICE THAT ENABLES USERS TO ACCESS CONTENT, INFORMATION, ELECTRONIC MAIL, OR OTHER SERVICES OFFERED OVER THE INTERNET OR A COMPUTER NETWORK.**

(C) **A PERSON PROVIDING A SUBSCRIPTION MULTICHANNEL VIDEO SERVICE WHOSE TERMS OF SERVICE REQUIRE THAT THE PURCHASER OR RENTER OF THE SERVICE BE AT LEAST 17 YEARS OF AGE OR OLDER AND WHICH SERVICE IS PROVIDED ONLY UPON A SHOWING OF PROPER IDENTIFICATION THROUGH THE PURCHASER'S OR RENTER'S USE OF A CREDIT CARD TO**

PURCHASE OR RENT THE SERVICE OR BY PROVIDING GOVERNMENT-ISSUED IDENTIFICATION OR OTHER REASONABLE MEANS FOR VERIFICATION OF THE PURCHASER’S OR RENTER’S IDENTITY.”

The amendments were 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. 142

Yeas—35

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

Nays—2

Brater Emerson

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

Senator Cropsey offered to amend the title to read as follows:

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 416.

Senator Brater’s statement is as follows:

While I applaud the sponsor of Senate Bill No. 416 for attempting to address the problem of youth violence, I did not support this bill due to concerns I have about the legality of this proposal. I am concerned that by restricting the

sale and purchase of violent video games, this proposal will be considered a content-based regulation of speech, which violates the First Amendment of the Constitution.

I intend to work with my colleagues to continue our efforts to address the problem of youth violence, but I voted “no” on this bill since I believe it will not survive judicial review.

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

For the last several weeks, the Judiciary Committee has been working on legislation dealing with what I would call the youth protection package. Many people in the media would call this the violent video or violent video game package. Because of the interest that this has generated and because of the serious nature of this type of legislation, I feel it is very important that we put into the record what we are about and what we say here today. In looking into the case law on this issue, there has been at least six different courts that have ruled the legislation unconstitutional. We have had to craft this legislation very carefully. We have looked especially at the latest case law on this, and we believe we have found the way in which we can write a constitutional law.

One of the key things we have to do is lay the basis for this legislation. Take a look at the scientific studies in this area as recently as 2004 from the *Journal of Adolescence* in an article entitled “An update on the effects of playing violent video games.” This article starts out this way: “For many in the general public, the problem of video game violence first emerged with school shootings by avid players of such games at West Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; and Littleton, Colorado. More recent violent crimes that have been linked to violent video games include a school shooting spree in Santee, California; a violent crime spree in Oakland, California; five homicides in Long Prairie and Minneapolis, Minnesota; beating deaths in Media, Ohio; and Wyoming, Michigan; school shootings in Wellsboro, Pennsylvania; and Red Lion, Pennsylvania; and the Washington, D.C., ‘Beltway’ sniper shootings. Video game related violent crimes have also been reported in several other industrialized countries, including Germany and Japan.”

In an article copy written in 2000, “Video Games and Aggressive Thoughts, Feelings, and Behavior in the Laboratory and in Life,” it talked about the Littleton, Colorado, situation in which “Harris and Klebold enjoyed playing the bloody, shoot-’em up video game Doom, a game licensed by the U.S. military to train officers to effectively kill.” A little bit later in the study, “Unfortunately, such video games now dominate the market.” That was by a researcher in 1998 who sampled 33 popular games and found that nearly 80 percent of the games were violent in nature. Interesting enough, she found that 21 percent of these games portrayed violence toward women.

Another article that is a little bit older, but still talks about “The Influence of Media Violence on Youth,” and this was joined by one of the major researches in the area, Craig Anderson. They stated this: “Though the scientific debate over whether media violence, increases aggression and violence is essentially over, several critical task remain.”

The science is now in such a state that violence and media is known to cause violence in society. This bill would address the sale and rental of ultra-violent material to minors. As promised, the Judiciary Committee has done its homework. We have exercised due diligence. Courts have regularly concluded that the physical and psychological well-being of youth is a compelling governmental interest, but the difficulty has been in demonstrating necessity or narrow tailoring. That is where the social sciences comes in. If it demonstrates a danger and focuses on the material having that effect, the statute can pass constitutional muster. And so the Judiciary Committee has worked towards determining the scientific basis for addressing violent entertainment. I have read a multitude of peer-reviewed, published studies on the effect of violent videos and violent video games on increased aggressiveness and destructive behavior. I have copies of at least 40 of the studies here on my desk if anyone would like to see them.

The topic of the effect of violent entertainment on youth is critical. Over 1,000 studies have been conducted, and almost unanimously they come to the same conclusion. Violent media and violent video games have a harmful effect on minors. Let me repeat that. Violent media and violent video games have a harmful effect on minors. Those studies led six major professional organizations in the health field to find the science conclusive. In a joint statement issued in July of 2000, the American Psychological Association, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Medical Association, the American Academy of Family Physicians, and the American Psychiatric Association concluded, and I quote “Well over 1,000 studies point overwhelmingly to a causal connection between media violence and aggressive behavior in some children.”

Quoting from Dr. Saunders, an expert witness who testified in the Judiciary Committee, “The correlation between media violence and aggression is stronger than that of failure to use a condom and HIV, secondhand smoke and lung cancer, lead exposure in children and lower IQs, use of the nicotine patch and smoking cessation, calcium intake and bone mass, homework and academic achievement, and asbestos exposure and cancer of the larynx. The acceptance of all these lesser correlations as indicating causation leads to the conclusion that correlation in the case of the media ought to be considered sufficient to allow society to proceed on the assumption that there is causation.”

This is not a desk argument; this is not academic ivory tower speculation. This is scientifically validated. It is so important that I want to quote from several of the studies:

From a study in 1991, 14 years ago, entitled “Effects of Media Violence on Viewers’ Aggression in Unconstrained Social Interaction: Does exposure to media violence increase viewers’ aggression? Our review of 28 experiments examining children’s and adolescents’ spontaneous aggression during unconstrained social interaction reveals that it does.”

From a 2001 study entitled, “Effects of Reducing Children’s Television and Video Game Use on Aggressive Behavior: In this study, an intervention to reduce television, videotape, and video game use decreased aggressive behavior in third- and fourth-grade children. Because the intervention targeted reduction of media use alone, without substituting alternative behaviors or activities, these results are also additional evidence for the causal effects of these media on children’s aggressive behavior.”

From a 2002 study entitled, “Television Viewing and Aggressive Behavior During Adolescence and Adulthood: In the male subsample, television viewing at mean age 14 was associated with subsequent assaults or fights resulting in injury and any aggressive act against another person.”

From a 2003 study entitled, “Types of Media Violence and Degree of Acceptance in Under-18s”—two quotes— “So, it may well be that there is not a predisposition toward watching violent films in people with violent impulses but rather an early learning that generates a selective attentional or observational process when exposed to rewarded violent behaviors. This is coherent with the idea that young people perceive violence more positively as they watch more and more violence.” And another, “Our research in the line of Kremar and Valkenburg of the link between moral development and behaviors shows that certain kinds of antisocial behavior are related to moral development in youths.” Just a reminder, this is a quote from a peer-reviewed, scientific research study.

From another 2003 study entitled, “Violent Media Content and Aggressiveness in Adolescents: Results of this study largely support the downward spiral model for the relationship of violent-media content use and aggressiveness among adolescents.”

From a 2005 study entitled, “Media Violence Exposure in Aggressive and Control Adolescents: Differences in Self- and Parent-Reported Exposure to Violence on Television and in Video Games: The results of this study show a relationship between video game and television media violence exposure and an aggressive Disruptive Behavior Disorder Diagnosis in adolescents.”

Let me close with three chilling quotes. In a 1999 study entitled, “Film Violence and Young Offenders,” after looking at the increasing level of violence in programming, referenced in findings of a 1978 study of over 1,500 teenagers, and found that, “Those who watched a greater amount of violent television committed markedly more seriously harmful criminal acts. The less serious categories of criminal acts were also positively associated with greater exposure to violence on television.” From this same study, “Results indicated that following the introduction of television, homicide rates doubled in Canada and the United States. Whereas in South Africa, where television did not as yet exist, white homicide rates remained the same over time.” The study later found that homicide rates increased dramatically after TV was introduced to South Africa.

Lastly, in a 2000 meta study titled, “Impact of Media on Children and Adolescents: A Ten Year Review of the Research,” the researcher talked about how in other countries the introduction of TV and the corresponding violent programming affected viewers and the crime rate. He also discussed the findings that in the United States programming was becoming increasingly more violent year by year, and this corresponded to a higher crime rate over the decades. He then summarizes by including this heart-stopping comment, “Although acknowledging television exposure is only one factor that influences violence, Centerwall hypothesized that if television technology had never been developed, there would be 10,000—ten thousand—fewer homicides in the United States each year, 70,000 fewer rapes, and 700,000 fewer injurious assaults.”

In closing, someone may say, “Well, the studies are interesting, but what has that got to do with real life in Michigan?” The committee heard testimony from Sheriff Gene Wriggelsworth here in Ingham County. Last winter, his department responded to a two-car fatal crash just south of the city of Mason. The crash occurred on a curve with a double yellow line and posted “No Passing Zone.” The crash occurred because a 16-year-old driver attempted to pass another car while driving at a high speed. In an oncoming car was a father taking his 12-year-old son to a soccer game. The father was killed and his son seriously injured.

Listen to a few quotes from the police report, referencing the 16-year-old driver who caused the crash and killed the father: “Craig (name of the witness) stated that Anthony (the driver at fault) was playing True Crime: Streets of L.A. prior to the accident. Craig stated he told Anthony about how the car shifted from manual to automatic. Craig went on to state that he told Anthony to check out the gears. At that time, Craig advised that Anthony stated, ‘I’m going to check out the gears.’ Then Monroe (who was another witness) stated Anthony...were both bragging about driving recklessly on the roads and never getting caught by the police. Anthony stated he drives just like they do on the video games and both of them were playing games for hours before the accident. Monroe stated that another witness told Anthony that the car he was driving belonged to his ex-girlfriend and had a passing gear just like the car they were driving in the video game and the car was very fast and he should try it.”

As an aside, the car was reported stolen earlier.

Going on, “Monroe stated that before he left the house, Anthony stated he was going to—quote—‘drive crazy just like the video game.’” A few minutes later, Anthony did indeed check out the gears, drove just like in the video game, and ended up killing a father, seriously injuring a young boy, and destroying a family’s hopes and dreams.

I have the police report here on my desk, as well as pictures from the crash scene, which I welcome any one of you to see, but I warn you, the pictures are graphic and very disturbing. You may hear from some high-priced attorneys from another state about the free speech rights of the industry, but the free speech rights of that industry destroyed a family here in Ingham County last year and ended a father’s free speech rights forever.

How many fatalities do we need before we do something? How many assaults? How many rapes? How many ruined lives? How many of our youth need to be locked up because they believed the lie of the entertainment industry that violence is an acceptable way to solve social problems?

The answer is we need no more. We already have the social wreckage. We have the absolutely overwhelming empirical evidence in scientific research. We have established the compelling governmental interest that the courts say we need to establish. We have a narrowly-tailored bill, suited to meet the need. And we have the responsibility to protect all of our citizens from the dangers our youth face from inappropriate exposure to harmful ultra-violent material.

I urge your support for Senate Bill Nos. 416, 463, and 464.

The following bill was read a third time:

Senate Bill No. 249, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 143a.

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. 143

Yeas—33

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

Nays—4

Brater	Emerson	Patterson	Thomas
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Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Clarke's statement is as follows:

This is a great day. I want to thank the Governor, both caucuses of this chamber, and the chairman of the Senate Judiciary Committee for putting together a truly bipartisan piece of legislation that will protect Michigan children from the harmful effects of violent video games.

This bill will definitely pass constitutional muster. We've had four hearings, two by the Senate Democratic Caucus and two by the Senate Judiciary Committee, where we heard a lot of testimony. I also had this bill redrafted by a Michigan State University law professor who is one of the most well-known, well-respected national scholars on constitutionally permissible regulation of video games.

Furthermore, this bill defines the games that will be regulated without relying on the industry's voluntary rating system which can be vague, can be weak, could be changed, or eliminated altogether. I believe that violent video games, as subject to regulation under this bill, are not healthy for Michigan children. The chairman of the Senate Judiciary Committee very accurately and comprehensively outlined that many school-age murderers are indeed obsessive video game players. The reason why I took the lead initially to have this legislation drafted and to start this debate in the Legislature was because of a 7-year-old girl on the eastside of Detroit who was killed by a drive-by shooter as a result of an argument allegedly over a violent video game, Grand Theft Auto: San Andreas.

I also see, though, that not every obsessive violent video game player turns out to be a murderer or even becomes violent or aggressive. Yet, an 11-year-old who drinks a martini doesn't necessarily become an alcoholic. A 13-year-old who smokes their first cigarette may not necessarily develop lung cancer as an adult. But still, in this state we do not allow alcohol, cigarettes, and tobacco products to be sold to our children because tobacco and alcohol are not good for them and neither are violent video games. Think about it. What parent would want their daughter to play a game where she is rewarded for blowing the head off of a police officer? What parent would want their son to be entertained by playing a game where he interactively solicits prostitutes, rapes them, and then murders them? Probably not any parent whatsoever.

Recent undercover operations conducted by many sheriffs around this state have proven that the voluntary rating standards established by the video game industry do not stop retailers from selling these games to our children. This bill is a powerful bill to keep families together because it puts the power to decide and choose what kind of video games our children should see in the hands of our parents. It takes it away from our retailers. We are not going to allow retailers to sell anything and everything to our children in Michigan.

I want to thank all of you for coming together and agreeing to support this legislation and the related bills because together they will help protect Michigan children from violent media and make Michigan a better place to live for everyone.

The following bill was read a third time:

Senate Bill No. 463, entitled

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

The 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. 144

Yeas—37

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

Cassis
Cherry

Hardiman

Prusi

Van Woerkom

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 464, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” (MCL 722.671 to 722.684) by adding sections 12a and 12b.

The question being on the passage of the bill,

Senator Cropsey offered the following amendments:

1. Amend page 2, line 2, subparagraph *(ii)*, after “**RESIDENCE**” by inserting “**OR OTHERWISE MADE DIRECTLY AVAILABLE THROUGH THE INTERNET TO THE PURCHASER OR RENTER**”.

2. Amend page 2, line 27, after “**TO**” by striking out the balance of the section and inserting “**ANY OF THE FOLLOWING:**

(A) A MEDIUM OF COMMUNICATION TO THE EXTENT REGULATED BY THE FEDERAL COMMUNICATIONS COMMISSION.

(B) AN INTERNET SERVICE PROVIDER OR COMPUTER NETWORK SERVICE PROVIDER WHO IN GOOD FAITH, AND WITHOUT KNOWLEDGE OF THE CONTENT OF THE MATTER BEING COMMUNICATED, PROVIDES THE MEDIUM FOR COMMUNICATION OF THE MATTER. AS USED IN THIS SECTION, “INTERNET SERVICE PROVIDER” MEANS A PERSON WHO PROVIDES A SERVICE THAT ENABLES USERS TO ACCESS CONTENT, INFORMATION, ELECTRONIC MAIL, OR OTHER SERVICES OFFERED OVER THE INTERNET OR A COMPUTER NETWORK.

(C) A PERSON PROVIDING A SUBSCRIPTION MULTICHANNEL VIDEO SERVICE WHOSE TERMS OF SERVICE REQUIRE THAT THE PURCHASER OR RENTER OF THE SERVICE BE AT LEAST 17 YEARS OF AGE OR OLDER AND WHICH SERVICE IS PROVIDED ONLY UPON A SHOWING OF PROPER IDENTIFICATION THROUGH THE PURCHASER’S OR RENTER’S USE OF A CREDIT CARD TO PURCHASE OR RENT THE SERVICE OR BY PROVIDING GOVERNMENT-ISSUED IDENTIFICATION OR OTHER REASONABLE MEANS FOR VERIFICATION OF THE PURCHASER’S OR RENTER’S IDENTITY.”

The amendments were 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. 145

Yeas—37

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Jacobs
Jelinek
Johnson

Sanborn
Schauer
Scott

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Emerson
Garcia
George
Gilbert
Goschka
Hardiman

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2003 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. 146

Yeas—25

Allen
Barcia
Birkholz
Bishop
Brown
Cassis
Cherry

Cropsey
Garcia
George
Gilbert
Goschka
Hardiman

Jelinek
Johnson
Kuipers
McManus
Olshove
Patterson

Sanborn
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—12

Basham
Bernero
Brater

Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Prusi

Schauer
Scott
Thomas

Excused—1

Hammerstrom

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 Resolution No. 32.

A resolution to urge the Video Software Dealers Association and the Entertainment Software Ratings Board to increase efforts to enforce compliance with ratings systems for violent video games.

The question being on the adoption of the resolution,
The resolution was adopted.

Senate Resolution No. 33.

A resolution to memorialize the Congress of the United States to review the sale of violent video games to children.
The question being on the adoption of the resolution,
The resolution was adopted.

House Concurrent Resolution No. 10.

A concurrent resolution to memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites.

Whereas, From 1983 to 1998, the federal government managed the Internet, including the Domain Name System (DNS), a central coordinating body that assigns unique e-mail and web site addresses so that the network runs smoothly. As the Internet evolved from a small-scale system of links among American academic institutions into a mainstream international communications, educational, and electronic commerce medium, the federal government concluded that it should no longer manage its development. In 1998, the United States Department of Commerce (DOC), in an effort to establish global standards and consensus-based policies, agreed to a Memorandum of Understanding (MOU) with the California-based private sector, nonprofit corporation called the Internet Corporation of Assigned Names and Numbers (ICANN). In part, the MOU calls for the joint development of the DNS in order to facilitate its future transfer to the private sector; and

Whereas, While the DOC continues to serve as the steward of the DNS during its transition to private sector management, it does not regulate ICANN, play a vital role in ICANN's internal governance or day-to-day operations, or intervene in ICANN activities unless the corporation's actions are inconsistent with the MOU. The only way that the department can influence ICANN decisions is either to not renew the MOU, which expires September 30, 2006, or through informal discussion with corporation officials; and

Whereas, In 2001, ICANN approved seven new top-level domain names, but refused to approve the .xxx domain name, which would have provided a cyber sanctuary to protect children from the corrupting influences of on-line pornography. To protect children, Congress has the authority to direct the DOC to establish and operate the second-level .xxx domain name within the United States. The .xxx domain name will safeguard children by allowing parents and libraries to employ filtering or blocking software technologies; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to enact legislation allowing the Department of Commerce (DOC) to help shield children by establishing and requiring the .xxx domain name for adult-only web sites; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey 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 Cropsey moved that the concurrent resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senators Clarke, Goschka, Switalski, Toy and Van Woerkom were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator McManus introduced

Senate Bill No. 497, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 44520a.

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

Senators Barcia, Leland and Basham introduced

Senate Bill No. 498, entitled

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

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

Senators McManus, Allen, Jelinek, Goschka, Schauer and Bishop introduced

Senate Bill No. 499, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73102 and 73105 (MCL 324.73102 and 324.73105), section 73102 as amended by 1998 PA 546 and section 73105 as added by 1995 PA 58.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 463, entitled

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

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

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 3, line 14, after "**OTHER**" by striking out "**ELECTRONIC**".

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. 147

Yeas—33

Allen
Bernero
Birkholz

Cropsey
Emerson
Garcia

Jelinek
Johnson
Kuipers

Schauer
Scott
Sikkema

Bishop
Brater
Brown
Cassis
Clark-Coleman
Clarke

George
Gilbert
Goschka
Hardiman
Jacobs

McManus
Olshove
Patterson
Prusi
Sanborn

Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Hammerstrom

Not Voting—4

Barcia

Basham

Cherry

Leland

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

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:

I rise today to stress my continued, wholehearted commitment to bringing affordable auto and homeowners insurance rates to every citizen in this state.

Yesterday, I asked my colleagues and staff on the floor to listen—really listen—to the men and women who have taken the time to share with me their insurance stories by way of my insurance website. I take the time to share these stories with you because it is imperative for all of us to truly understand the frustrations and the hardships that are endured by many of our constituents because of astronomically high insurance rates.

To date, I have had hundreds of Michigan citizens who have visited my website to sign the petition or to write and share with me their own personal story. The rates that some of these individuals are paying for auto and homeowners insurance are outrageous and simply unacceptable. There are remedies that we can put into place now that will help in bringing down rates. I ask the chair of the Senate Banking and Financial Institutions Committee to allow for hearings on the bills that are before the committee so that we can at least begin to debate the merits of the legislation. We owe it to the citizens of Michigan.

Committee Reports

The Committee on Judiciary reported

Senate Resolution No. 32.

A resolution to urge the Video Software Dealers Association and the Entertainment Software Ratings Board to increase efforts to enforce compliance with ratings systems for violent video games.

(For text of resolution, see Senate Journal No. 41, p. 576.)

With the recommendation that the resolution be adopted.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Judiciary reported

Senate Resolution No. 33.

A resolution to memorialize the Congress of the United States to review the sale of violent video games to children. (For text of resolution, see Senate Journal No. 41, p. 577.)

With the recommendation that the resolution be adopted.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 161, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4603, entitled

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

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
 Meeting held on Tuesday, May 10, 2005, at 3:00 p.m., Room 110, Farnum Building
 Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Health Policy reported

Senate Bill No. 205, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1523.
 With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 310, entitled

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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

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

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 351, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

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

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

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, Bernero and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, May 11, 2005, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Patterson, Bernero and Jacobs

Excused: Senator George

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Wednesday, May 11, 2005, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Stamas and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:
 Meeting held on Wednesday, May 11, 2005, at 3:00 p.m., Room 210, Farnum Building
 Present: Senators Patterson (C), Cassis, Olshove and Leland
 Excused: Senators Kuipers, Birkholz, Brown and Bernero

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:
 Meeting held on Wednesday, May 11, 2005, at 3:00 p.m., Room 100, Farnum Building
 Present: Senators Garcia (C), Hardiman, Prusi and Scott
 Excused: Senator George

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:
 Meeting held on Wednesday, May 11, 2005, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators McManus (C), Johnson, Jelinek, Barcia and Cherry

Scheduled Meetings**Appropriations -****Subcommittees -**

Commerce, Labor and Economic Development - Tuesday, May 17, 2:00 p.m., Room 405, Capitol Building; Wednesday, May 18, 3:00 p.m.; Tuesday, May 24, 1:00 p.m.; and Wednesday, May 25, 3:00 p.m., Room 100, Farnum Building (373-2420)

Community Health Department - Thursdays, May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, May 24 and May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Environmental Quality Department and Natural Resources and Environmental Affairs - Tuesday, May 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Higher Education - Fridays, May 13, 10:00 a.m., Northwood University, NADA Education Center, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street at Summit Street, Ypsilanti (373-1760)

Judiciary and Corrections - Tuesday, May 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Thursday, May 19, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, May 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Commerce and Labor - Tuesday, May 17, 3:00 p.m., Room 100, Farnum Building (373-2413)

Finance and House Tax Policy - Monday, May 16, 1:00 p.m., Kalamazoo Public Library, Van Deusen Room, 3rd Floor, 305 S. Rose Street, Kalamazoo (373-1758)

Judiciary - Friday, May 13, 10:00 a.m., Caledonia Sportsmen's Club, 10721 Coldwater Road, Caledonia; and Tuesday, May 17, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs - Tuesday, May 17, 3:00 p.m., Room 110, Farnum Building (373-3447)

Natural Resources and Environmental Affairs and Environmental Quality Department Subcommittee - Tuesday, May 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, May 18, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:48 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, May 17, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate