

No. 89
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, October 23, 2003.

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—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Senator Martha G. Scott of the 2nd District offered the following invocation:

The Lord is my light and my salvation; whom shall I fear? The Lord is the very strength of my life; of whom shall I be afraid—giving honor to my Lord and Master?

Dear Heavenly Father, we come to You this morning saying thank You. Thank You for another wonderful day that You have allowed us to come to these chambers to do the people's work. Lord, I ask that You touch each and every one of these Senators this morning as we deliberate on the people's issues. Lord, give them the strength and courage to do what You would have them to do.

Father, we ask You to touch our staff, and give them the strength they need to work with us. Father, I ask You to bless all the families here, and give them the strength and courage they need—as we go day by day.

Father, we are in some troubled times, but we know that You will see us through them. We thank You, Father, for all that You do. We will always remember to give You the honor and the praise. Amen.

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

Motions and Communications

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 22:
House Bill Nos. 4666 4667 4668 4695 4698 4699

The Secretary announced that the following bills and joint resolution were available at the legislative Web site on Wednesday, October 22:

Senate Bill Nos. 780 781 782 783 784 785
House Bill Nos. 5185 5186 5187 5188 5189 5190 5191 5192
House Joint Resolution O

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395

The motion prevailed.

Messages from the House

Senate Bill No. 493, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

The House of Representatives has passed the bill by a 2/3 vote, 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. 494, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

The House of Representatives has passed the bill by a 2/3 vote, 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. 495, entitled

A bill to amend 1973 PA 43, entitled “An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties,” by amending section 1 (MCL 400.171).

The House of Representatives has passed the bill by a 2/3 vote and ordered that the bill be given immediate effect.

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. 496, entitled

A bill to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; and to repeal acts and parts of acts.

The House of Representatives has passed the bill by a 2/3 vote and ordered that the bill be given immediate effect.

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. 252, entitled

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 sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121; and to repeal acts and parts of acts.

Substitute (H-4).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 501

Yeas—0

Nays—37

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

Excused—1

Thomas

Not Voting—0

In The Chair: Birkholz

Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124. Substitute (H-6).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 502**Yeas—0****Nays—37**

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

Excused—1

Thomas

Not Voting—0

In The Chair: Birkholz

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Jacobs as Chairperson.

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

House Bill No. 4070, entitled

A bill to require textbook publishers to provide electronic versions of certain instructional materials used in colleges and universities.

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 a substitute therefor, the following bill:
House Bill No. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501, 2504, and 2505 (MCL 339.2501, 339.2504, and 339.2505), section 2501 as amended by 1994 PA 333, section 2504 as amended by 2002 PA 611, and section 2505 as amended by 1988 PA 463.

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 5106

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

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

House Bill No. 5106

Senate Bill No. 687

Senate Bill No. 770

House Bill No. 4311

Senate Bill No. 667

The motion prevailed.

The following bill was read a third time:

House Bill No. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501, 2504, and 2505 (MCL 339.2501, 339.2504, and 339.2505), section 2501 as amended by 1994 PA 333, section 2504 as amended by 2002 PA 611, and section 2505 as amended by 1988 PA 463.

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. 503

Yeas—37

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

Nays—0

Excused—1

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 revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 687, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

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. 504**Yeas—37**

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

Nays—0**Excused—1**

Thomas

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. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a. 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. 505

Yeas—34

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

Nays—3

George	Goschka	Kuipers
--------	---------	---------

Excused—1

Thomas

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. 4311, entitled

A bill to provide insurance to farm produce producers against losses from the failure of grain dealers; to establish a farm produce insurance authority; to prescribe the powers and duties of the authority and its board; to establish a farm produce insurance fund; to provide for assessments on grain dealers; to prescribe certain powers and duties of certain state agencies and officers; to authorize the promulgation of rules; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 506

Yeas—37

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott

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

Nays—0

Excused—1

Thomas

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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 667, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 2002 PA 596.

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. 507

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 141

The motion prevailed.

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

Senate Resolution No. 178**Senate Resolution No. 179**

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

Senate Resolution No. 178.

A resolution honoring Grover and Thelma Rudolph as they celebrate their 50th Wedding Anniversary.

Whereas, It is a distinct personal privilege to join with the family and many friends of Grover and Thelma Rudolph in honoring them upon the happy occasion of their golden wedding anniversary and renewal of their vows. The years this couple has shared have been enriched by their caring companionship and ever-deepening love for one another; and

Whereas, On September 5, 1953, Grover and Thelma were joined in holy matrimony. The five decades that have followed that glorious occasion have been marked by mutual admiration and growing affection, with many unforgettable moments serving to establish a strong relationship founded upon love and trust. Today, their successful marriage stands as a living symbol of the devotion they have shown for one another and is a great testimony to the respect and sincerity of the wedding vows they spoke so long ago; and

Whereas, In addition to the love they have always shown for one another, Grover and Thelma have been a constant source of guidance and inspiration to their family. As they look back on their fifty years as husband and wife, may they know how their example of commitment has warmed the hearts of all those fortunate enough to know this outstanding couple; now, therefore, be it

Resolved by the Senate, That the members of this legislative body join with family and friends in congratulating Grover and Thelma Rudolph as they celebrate their 50th Wedding Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to Grover and Thelma Rudolph as a symbol of our congratulations.

Senators Allen, Brater, Cherry, Clark-Coleman, Clarke, Hardiman, Jacobs, Prusi, Schauer and Switalski were named co-sponsors of the resolution.

Senators Cassis, Bernero, Hammerstrom, Kuipers, Allen, Goschka, Garcia, Brater, Toy, Thomas and Barcia offered the following resolution:

Senate Resolution No. 179.

A resolution proclaiming November 10-14, 2003, as School Psychology Week.

Whereas, Children have a natural desire and propensity to learn and the inalienable right to an education, and it is imperative that society invest in education to adequately support the needs of children and youth; and

Whereas, Children's mental health is closely linked to their successful learning and development, and schools must apply sound psychological principles to instruction and learning; cultivate children's intellectual, social, and emotional development; meet the needs of culturally diverse student populations; and promote prevention and early intervention; and

Whereas, Prevention and early intervention strategies and adequate support services minimize negative outcomes, such as academic failure, social and emotional difficulties, behavioral problems, bullying and school violence, mental health problems, suicide, and dropping out; and

Whereas, School psychologists, of which there are 600 who are members of the Michigan Association of School Psychologists, are specially trained to help parents and educators identify and reduce risk factors; create effective, caring schools; access helpful community resources; and implement research-driven prevention and intervention strategies to foster healthy child development and academic success; and

Whereas, School psychologists deliver needed mental health services and academic supports in the natural context of school where children are comfortable and familiar. It is appropriate for the personal and academic development of Michigan's children; and

Whereas, The Michigan Association of School Psychologists have lent their expertise to state policymakers on issues important to children and families, such as parental involvement in education, the appropriate use of psychotropic medications, the prevention of bullying, and access to special education services; now, therefore, be it

Resolved by the Senate, That November 10-14, 2003, be hereby proclaimed as School Psychology Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Psychologists as a token of our esteem.

Senators Cherry, Clarke, Hardiman, Jacobs, Prusi, Schauer, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Brown, Birkholz, Hardiman, George, Sikkema, Kuipers, Cropsey, Gilbert and Bishop offered the following resolution:

Senate Resolution No. 180.

A resolution to present the findings and proposals of the Beverage Container and Recycling Task Force.

Whereas, The Beverage Container and Recycling Task Force was established by the Senate Majority Leader to review the state's current recycling programs and to evaluate the impact of our beverage container law on statewide recycling and on consumers, businesses, and the environment. Over the course of the nearly three decades since the bottle bill became law and through changes in technology, resources, and attitudes, this legislation has had both positive and negative effects in Michigan; and

Whereas, As a result of meetings with people and groups at 9 public hearings held all across Michigan, the strengths and needs of the state's recycling efforts were thoroughly examined. In addition to reviewing calls for expansion of the bottle bill and studying the costs that the current program incurs, the task force addressed the larger issues of what can be done to develop a more comprehensive approach to recycling to protect our state's land and resources; and

Whereas, The findings and proposals of the Beverage Container and Recycling Task Force provide a framework for the development of a more comprehensive public policy on statewide recycling. In addition to examining ways the bottle bill in its current form can be improved, the report seeks to foster a cooperative spirit that can be used to develop long-term solutions to removing litter and increasing statewide recycling; now, therefore, be it

Resolved by the Senate, That we present the findings and proposals of the Beverage Container and Recycling Task Force.

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

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Allen, Clarke and Van Woerkom were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Prusi's statement is as follows:

I rise this morning with great sadness to inform you of the recent loss of Army Staff Sergeant Paul J. Johnson, age 29, of Calumet, Michigan. Staff Sergeant Johnson was killed on Monday, October 20, 2003, when the vehicle he was riding in came under attack and hit an improvised explosive en route to Fallujah, Iraq.

Staff Sergeant Paul J. Johnson or P.J., as he was called, was born and raised in Calumet, Michigan. An early love for the military led Paul to become an active participant and student leader in the Junior Reserve Officer Training Corps during his high school years. Following graduation from Calumet High School in 1991, Paul enlisted in the Army in 1993 and was assigned to the XVIII Airborne Corps at Fort Bragg, North Carolina.

He married his high school sweetheart, Mary Scoggins, in 1996. It was his deep love of the military that brought the Johnsons back to Fort Bragg in 1998. He was assigned to the 82nd Airborne Division in February 1999. Prior to his deployment in Iraq, Sergeant Johnson took part in Operation Enduring Freedom in Afghanistan with the 82nd and served one year in Bosnia prior to the September 11, 2001, terrorist attacks.

His military awards include a Combat Infantryman Badge and Bronze Star for heroism in battle. He was also a senior rated jumpmaster. Sergeant Johnson served as a squad leader for Alpha Company, 1st Battalion, 505th Parachute Infantry Regiment. Those close to him recall Paul Johnson as the epitome of what an 82nd paratrooper is meant to be—trained to deploy rapidly by air, sea, or land anywhere in the world and to be prepared to fight upon arrival.

Sergeant Johnson is described as a patriotic man who loved his family and his country. In his spare time, Paul, a devoted Detroit Red Wings fan, would be found working in his yard, building things, or playing hockey. Six other paratroopers were wounded in Monday's ambush. Thirteen paratroopers from the 82nd Airborne, including Johnson, have been killed in Iraq, all of them since May 1, when President Bush declared the end of major combat operations. He is the first Upper Peninsula native to be killed in the war and the 14th Michigan citizen.

Staff Sergeant Johnson was assigned to the 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division at Fort Bragg, North Carolina.

He leaves behind his wife Mary, his four-year-old son Brian, his parents, and his sister Susan. He was preceded in death by an older sister last year. It is with deep sorrow that we remember the life of Army Staff Sergeant Johnson.

On behalf of the Michigan Legislature, we extend our heartfelt gratitude for his courageous service to his country. Our thoughts and our prayers go out to the friends and family of Staff Sergeant Paul "P.J." Johnson during this time of difficulty.

I ask that my staff and colleagues join me in a moment of silence in his memory.

A moment of silence was observed in memory of Army Staff Sergeant Paul "P.J." Johnson.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hardiman, Sikkema and Cropsey introduced

Senate Bill No. 788, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

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

Senators Gilbert, Goschka, Kuipers, Patterson, Toy, Olshove and Basham introduced

Senate Bill No. 789, entitled

A bill to authorize certain agreements and methods in connection with the acquisition, construction, maintenance, operation, or improvement of a transportation facility; to authorize the issuance of debt obligations in connection with the transportation facility; to prescribe the powers and duties of certain state agencies and officials; to authorize interstate or international bridges, tunnels, or ferries; and to provide for remedies.

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

Senators Brown, Sikkema, Birkholz, Jelinek, Garcia, Allen, Toy, Brater, McManus, Hardiman, Van Woerkom, George, Kuipers, Cropsey, Gilbert and Bishop introduced

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

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

Senators Van Woerkom, Kuipers, Garcia, Hammerstrom, Jelinek, Cropsey, Allen, Birkholz, Brown, Goschka, Brater, Hardiman, Thomas and Barcia introduced

Senate Bill No. 791, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

House Bill No. 4666, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b).

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.

House Bill No. 4667, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16c (MCL 125.286c).

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.

House Bill No. 4668, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c).

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.

House Bill No. 4695, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

The House of Representatives has passed the bill by a 2/3 vote 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 Banking and Financial Institutions.

House Bill No. 4698, entitled

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending sections 2 and 3 (MCL 488.2 and 488.3).

The House of Representatives has passed the bill by a 2/3 vote 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 Banking and Financial Institutions.

House Bill No. 4699, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 36 (MCL 492.136).

The House of Representatives has passed the bill by a 2/3 vote 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 Banking and Financial Institutions.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:46 a.m.

10:59 a.m.

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

Senators Bishop, Brater, Birkholz, Allen, Gilbert, Van Woerkom, Kuipers, Jelinek, Garcia, Hammerstrom, Hardiman, Johnson, Stamas, Clark-Coleman, Scott, Cherry, Bernero, Leland, McManus, Jacobs, Olshove, Prusi, Brown, Cassis, Cropsey, Switalski, George and Emerson introduced

Senate Bill No. 792, entitled

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; to require the promulgation of rules; 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 Van Woerkom, Bishop, Birkholz, Allen, Gilbert, Kuipers, Jelinek, Basham, Garcia, Hammerstrom, Hardiman, Johnson, Stamas, Brater, Scott, Cherry, Clark-Coleman, George, Leland, McManus, Jacobs, Prusi, Bernero, Olshove, Brown, Cassis, Cropsey, Switalski and Emerson introduced

Senate Bill No. 793, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 10c to chapter II.

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

Senators Toy, Cropsey, Bishop, Allen, George, Garcia, Brown, Cassis, Birkholz and Switalski introduced
Senate Bill No. 794, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

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

Senators Cassis, Brater, Van Woerkom, Kuipers, Jelinek, Birkholz, Basham, Garcia, Hammerstrom, Hardiman, Johnson, Stamas, Clark-Coleman, Scott, Cherry, Bernero, Leland, Olshove, McManus, Jacobs, Prusi, Brown, Switalski, Cropsey, George and Emerson introduced

Senate Bill No. 795, entitled

A bill to establish the social security number privacy act in the state of Michigan; to prescribe penalties and civil sanctions; and to provide remedies.

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

Senators Stamas, Brater, Birkholz, Allen, Gilbert, Van Woerkom, Kuipers, Jelinek, Basham, Garcia, Hammerstrom, Hardiman, Johnson, Scott, Clark-Coleman, Cherry, Bernero, Leland, McManus, George, Jacobs, Prusi, Brown, Cassis, Cropsey, Switalski and Emerson introduced

Senate Bill No. 796, entitled

A bill to create an identity theft victims database; and to prescribe certain powers and duties of the department of state police.

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

Senators George, Brown, Birkholz, Cropsey, Switalski and Cassis introduced

Senate Bill No. 797, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 14h and 16o of chapter XVII (MCL 777.14h and 777.16o), section 14h as amended by 2003 PA 134 and section 16o as amended by 2000 PA 389.

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

Senators Sanborn, Cropsey, Bishop, Birkholz, Allen, Gilbert, Van Woerkom, Kuipers, Jelinek, Basham, Garcia, Hammerstrom, Hardiman, Johnson, Stamas, Brater, Cherry, Scott, Clark-Coleman, Leland, Bernero, McManus, Jacobs, George, Prusi, Brown, Olshove, Cassis and Switalski introduced

Senate Bill No. 798, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

October 23, 2003

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committees on Senate Bill 252 and Senate Bill 560:

Senator Michelle McManus

Senator Patricia Birkholz

Senator Liz Brater

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of
Resolutions

Senators Hardiman, Bishop, Birkholz, Van Woerkom, Kuipers, Jelinek, Garcia, Hammerstrom, Johnson, Stamas, Brater, Clark-Coleman, Scott, Cherry, Bernero, McManus, Jacobs, Prusi, George, Cropsey and Switalski offered the following resolution:

Senate Resolution No. 182.

A resolution to memorialize the Congress of the United States to enact legislation to provide greater protections against identity theft.

Whereas, Identity theft has become a significant and growing problem in twenty-first century America. The advantages of instant communications and extensive records, which are facilitated by the technology of the digital age, have also brought misuses of these tools for criminal purposes. With frightening speed and ease, an innocent person can face great problems or even financial ruin through identity theft; and

Whereas, Much stronger protections need to be created to deal with identity theft. In addition to the steps of increasing penalties and trying to prevent this crime from occurring, there are legislative measures that should be enacted to try to make sure that people who are victims of this crime can recover with a minimum of time, cost, and disruption to their lives; and

Whereas, Michigan is taking numerous steps to fight identity theft, but federal actions are clearly vital to the ultimate success of this initiative. Specific measures that should be enacted into federal law include: restricting the commercial use of Social Security numbers as identification numbers; requiring credit reporting agencies to offer a free copy of a person's credit report each year; and allowing consumers to freeze their credit reports to minimize losses. Clearly, stronger protections against identity theft are long overdue; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to provide greater protections against identity theft. We urge that measures be enacted to restrict the commercial use of Social Security numbers as identification numbers; to require credit reporting agencies to offer a free copy of a person's credit report each year; and to allow consumers to freeze their credit reports to minimize losses; and be it further

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

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Patterson, Bishop, Birkholz, Allen, Van Woerkom, Kuipers, Jelinek, Basham, Garcia, Hammerstrom, Hardiman, Johnson, Stamas, Brater, Clark-Coleman, Scott, Cherry, Leland, George, Prusi, Cassis, Cropsey and Switalski offered the following resolution:

Senate Resolution No. 183.

A resolution to memorialize the Congress of the United States to amend the Fair Credit Reporting Act to provide that the statute of limitations for an identity theft suit is two years from the time the fraud was discovered.

Whereas, While the advantages of technology have brought consumers and businesses numerous benefits, our information age has also greatly increased the threat of identity theft. Although this issue is clearly not a new concern, the extent to which people are vulnerable to this crime has multiplied in recent years; and

Whereas, In many ways, protections for consumers have not kept pace. Public and private institutions have taken strong actions to try to safeguard their customers, but identity theft continues to increase. Identity theft is widely acknowledged to be one of the country's fastest-growing types of crime; and

Whereas, In November 2001, the United States Supreme Court ruled that the two-year statute of limitations during which an identity theft victim could take action against a credit reporting agency under the federal Fair Credit Reporting Act is based on when the identity theft took place; and

Whereas, Given the unique nature of identity theft, which can easily take place without the victim's knowledge and which often takes a long time to unravel, the Fair Credit Reporting Act needs to be amended. This legislation must ensure that a victim of identity theft can take legal action based on when the fraud is discovered. Clearly, the law should not further penalize the victim of identity theft crime; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to amend the Fair Credit Reporting Act to provide that the statute of limitations for an identity theft suit is two years from the time the fraud was discovered; and be it further

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

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 214, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 413.

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

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. 215, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

With the recommendation that the bill pass.

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.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

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

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. 227, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

With the recommendation that the bill pass.

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.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 228, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending sections 4, 6, 12, and 31 (MCL 287.704, 287.706, 287.712, and 287.731), sections 4, 6, and 12 as amended by 2002 PA 458 and section 31 as amended by 2000 PA 323.

With the recommendation that the bill pass.

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.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 229, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending sections 2 and 4 (MCL 286.872 and 286.874).

With the recommendation that the bill pass.

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, October 21, 2003, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Finance reported

House Bill No. 5133, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 24 (MCL 205.24), as amended by 2002 PA 657.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, October 22, 2003, at 1:11 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 21, 2003, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Joint meeting held on Wednesday, October 21, 2003, at 2:00 p.m., Senate Appropriations Room, 3rd Floor Capitol Building

Present: Senators Allen (C), Kuipers, Schauer and Olshove

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Joint meeting held on Tuesday, October 21, 2003, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, October 22, 2003, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

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

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

Agriculture and Natural Resources Department - Tuesday, October 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932, 373-1725)

Capital Outlay - Thursday, October 30, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Natural Resources Department - Thursday, November 6, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, October 30, 12:00 noon, Room 100, Farnum Building (373-2417)

Judiciary - Tuesday, October 28, 1:00 p.m., Room 210, Farnum Building (373-3760)

Local, Urban and State Affairs - Thursday, October 30, 1:00 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Tuesday, October 28, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, October 29, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, October 29, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation - Tuesday, October 28, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:02 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, October 28, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate