

No. 86
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, September 29, 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—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Reverend Steve Stanton of Unity Temple Church of Detroit offered the following invocation:

Psalm 1: "Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord."

Heavenly Father, we thank You for this day and thank You for the opportunity to serve this great state of Michigan—and we acknowledge You and acknowledge the fact that without You, we can do absolutely nothing.

We pray today that You would bless this body with the spirit of cooperation and the wisdom and understanding and acumen to deal with the matters at hand. We pray that we would be ever mindful of the least of the citizens of this state and that You would give us renewed energy and drive to do the work that we have set out to do.

We will give You thanks and we'll give You glory and we'll give You praise in the name of our Lord Jesus Christ. Amen.

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

Motions and Communications

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

The motion prevailed.

Senator Schauer moved that Senators Barcia, Bernero, Brater and Leland be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Department of Treasury

September 26, 2005

I am pleased to submit the 2003-2004 Annual Report for the Michigan Higher Education Assistance Authority (MHEAA) and the Michigan Higher Education Student Loan Authority (MHESLA). This report, submitted in accordance with Section 390.960 of the Michigan Higher Education Assistance Authority Act, as amended, Public Act 77 of 1960, provides an overview of the activities of MHEAA and MHESLA.

This report contains highlights of the student financial aid programs administered by MHEAA and MHESLA during the 2003-2004 fiscal year. If you have any questions concerning this report, please feel free to contact Philip Trapp, Assistant to the Director, Bureau of Student Financial Services at 517-241-0018.

Sincerely,

Patricia W. Scott, Director

Bureau of Student Financial Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 28:

House Bill Nos. 4260 5046 5199

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 29:

House Bill Nos. 4327 4753 5047 5048 5109 5215 5216

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 28, for her approval the following bill:

Enrolled Senate Bill No. 276 at 3:41 p.m.

The Secretary announced that the following official bills were printed on Wednesday, September 28, and are available at the legislative website:

Senate Bill Nos.	777	778	779	780	781									
House Bill Nos.	5219	5220	5221	5222	5223	5224	5225	5226	5227	5228	5229	5230	5231	5232
	5233	5234	5235	5236	5237									

Messages from the Governor

The following message from the Governor was received:

Date: September 23, 2005

Time: 12:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 617 (Public Act No. 121), being

An act to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

(Filed with the Secretary of State on September 28, 2005, at 11:08 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Senators Bernero, Leland, Goschka, Brater and Barcia entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

The motion prevailed.

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(For second Conference Report, see Senate Journal No. 85, p. 1712.)

The House of Representatives has adopted the report of the second Committee of Conference and ordered that the bill be given immediate effect.

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

Senate Bill No. 298, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 1062 (MCL 450.2062), as amended by 1997 PA 118.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 521, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 533, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, notes and bonds of the Michigan strategic fund; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of the state; to provide penalties; and to repeal certain acts and parts of acts," (MCL 125.2001 to 125.2093) by adding sections 88g, 88h, 88i, 88j, and 88k.

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

Senate Bill No. 415, 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 82101 and 82148 (MCL 324.82101 and 324.82148), section 82101 as amended by 2003 PA 230 and section 82148 as added by 1995 PA 58.

(For text of amendments, see Senate Journal No. 85, p. 1707.)

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 447**Yeas—38**

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

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

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

The motion prevailed.

Senator Switalski's statement is as follows:

It's a pleasure to speak to you today. I have a little announcement—a special tribute for an employee who is retiring. Richard, if you'll step forward.

He's been working in the Senate office building since 1992. He is a supervisor. Richard Stauffer is retiring, and because my office is so messy and makes such a problem for the cleaning staff, we wanted to honor Richard on his departure from the state offices.

Richard has been working there as a supervisor, as I said, since '92. He is always pleasant to work with. He comes in and has a friendly "good morning" for us. He takes care of all of our mess, and he's also famous for his designs of woodcarvings, which are on sale throughout the state at flea markets and elsewhere.

We want to thank Richard for all of his service, for keeping our offices clean, and wish him well on his retirement.

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 Switalski 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 with a substitute therefor, the following bill:

Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 216 and 216a (MCL 750.216 and 750.216a), section 216 as amended and section 216a as added by 1985 PA 78.

Substitute (S-1).

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

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

"(4) THIS SECTION DOES NOT APPLY TO A PERSON APPOINTED BY A COURT OF THIS STATE TO SERVE AS A BAILIFF OR COURT OFFICER UNDER SECTION 8321 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8321, OR UNDER MCR 3.106 OR MCR 2.103."

2. Amend page 2, line 23, after “PERSON” by inserting a comma and “OTHER THAN A PEACE OFFICER,”.
3. Amend page 3, following line 19, by inserting:

“(4) THIS SECTION DOES NOT APPLY TO A PERSON APPOINTED BY A COURT OF THIS STATE TO SERVE AS A BAILIFF OR COURT OFFICER UNDER SECTION 8321 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8321, OR UNDER MCR 3.106 OR MCR 2.103.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4938, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” (MCL 52.201 to 52.216) by adding section 9.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 461, entitled

A bill to amend 1990 PA 72, entitled “Local government fiscal responsibility act,” by amending section 18 (MCL 141.1218).

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 657, entitled

A bill to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by repealing section 4a (MCL 47.4a).

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:

Senate Bill No. 461

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:

Senate Bill No. 461

House Bill No. 4143

House Bill No. 4144

House Bill No. 4588

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 461, entitled

A bill to amend 1990 PA 72, entitled “Local government fiscal responsibility act,” by amending section 18 (MCL 141.1218).

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. 448

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Scott and Basham moved that they be removed as co-sponsors of the bill.

The motion prevailed.

Senators Johnson, Cropsey, Sanborn, Gilbert, Patterson, Cassis, Van Woerkom, Sikkema and Garcia moved that they be named co-sponsors of the bill.

The motion prevailed.

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

The motion prevailed.

Senator Scott’s statement is as follows:

You know, I’ve lived through this, so I think I can speak on it. You know, this just didn’t start with this financial manager. It’s been troubling in some of our communities for years where people were able to get away with a number of things. I thought this bill could help us get through some of these things to make sure that our communities would have someone as a financial manager to come in and manage our cities. But we allow almost anything to happen under this act. Under this act, it says a financial manager, so you would think it’s somebody who knows finances. Well, we had a CPA, Ramona Pierson, who came into Highland Park, who recreated records and was on her way to getting the city together and was just removed. Well, that’s a real concern of mine.

With no transitioning from one individual to another, it doesn't make sense to me. I'm not playing any games. I'm here to make sure that these cities are secure. As a former mayor, I understand a lot of this, and what we need are the amendments that I added to this. I didn't just come up with these amendments myself. I went to a number of the constituents in both of those cities. They came up and spoke on these issues, and these are some of the things that they felt that needed to go into it after living them. Some things you have to live. You can't just talk about them; you have to experience them. This is what we have done in Highland Park and Hamtramck, and they were from both of these cities who came up and testified—not once, but at both of the meetings.

Those amendments, as I indicated earlier, came from those persons who really care about the taxpayers of those cities. This can happen to any of the cities, but it did happen to these two cities. They were in receivership—both of them were partially in receivership. In Hamtramck, the mayor and council are doing the business of the city, but they still have the financial manager doing contracts, whenever he chooses to meet, and that's what they expressed. There should be some continuity. There has to be. One cannot come in and spend five years in a city and then just bring someone else in and these people don't even talk to each other.

Now, there's always a transitioning. That's why there's a transition period. Without that, let me just say it is hard for me to support this bill without those kinds of things in this bill. As I indicated earlier, when I was mayor, we went through these things because the city of Highland Park, the city of Hamtramck, and the city of Benton Harbor have borrowed money from the state. Well, they each had to have a monitor. The monitor for Hamtramck, they were able to use their own financial person. In Benton Harbor, they used a former treasurer for the state of Michigan. They paid him \$15,000 for monitoring. In Highland Park, we used that same firm, but a different individual and paid that person \$80,000 when I was there.

When a city has a monitor who monitors finances, how do you get in this shape? Somebody ought to pay a price when things don't go right, but the state, as way back as 1988, has not done a thing about it. I'm upset about it because certain cities, you don't care. You just let anything come and go. Well, I put some amendments on this bill because I wanted to see some good government in my city and any city that I represent. And I represent from the poorest to the richest and all the different ethnic groups in between. I want some good government. It's not any one individual, but it's about moving these cities forward and to know that they can get up again out of receivership. I don't want them to be in receivership for five years and then you bring someone in new who doesn't even talk to one another. I don't know how long we'll be in receivership, but I'm a taxpayer, and already we pay the highest insurance rates in the country in these cities. I want some good government.

Because my amendments did not pass, I'm asking for my name to be removed from this bill.

Senator Thomas' statement is as follows:

I rise to oppose the bill not because I'm being disingenuous; not because amendments were not adopted; not because I believe there's some grand conspiracy to take over the city of Detroit. I rise to oppose this legislation because the Michigan Senate doesn't need to micromanage the financial receiver role that the Treasury Department and the Governor have played. We do not need to inject politics into the very real and serious situations that exist when cities have fallen bankrupt and need to be taken over.

The Treasury Department very vigorously monitors each of the finances in annual and biannual reports submitted to them. There are literally hundreds of folks in the division of Treasury who review all of the finances, and they make a very real decision not based on politics, but based on the financial health, the pension health, and the physical financial stability of that community.

Injecting Senate politics into that, which the advice and consent process is, is Senate politics; is not good government. By standing and saying no, we don't want to support this legislation, we're not in any way abdicating our responsibility. We're not punting. We have not had this responsibility in the past. We're simply saying that there are professionals at the Treasury Department who are more qualified to make these decisions than us. I do not believe that voting "no" in any way is a reflection negatively upon me.

Again, this is not a plot. I'm not voting against this because of a conspiracy to take over the city of Detroit. If Detroit has earned that, then Detroit will get that. However, the reality is politics should not play a role in this, and this bill simply injects politics into the very real financial decisions that need to be made. I do not believe it's in the best interest of Michigan.

Senator Sikkema's statement is as follows:

I rise to make some brief remarks about this legislation, which I hope the Senate will adopt today; but specifically to respond to the charge that the way this Senate has chosen to implement its constitutional role of advice and consent has been political.

When I was chosen by my caucus to have the honor of serving as Majority Leader of the Senate, one of the things I set out to do was take a serious review of the role of advice and consent; what was envisioned by the Constitutional Convention of 1963 and how best to implement that role. And after looking at that for some time, I came to the conclusion that not only have past Senates let that role gather dust, but I don't believe any Senate prior to this one since

the Constitutional Convention of '63 ever took that role seriously. I thought that was a mistake; that there is a real important role for the Senate to play when it comes to key government appointments. There shouldn't be any question that a financial manager of a financially-distressed city is a key government appointment.

Now our role of advice and consent is distinctly different than the federal Senate's role. They have a role of affirmatively confirming an appointment. In other words, if the President of the United States makes an appointment and there isn't a majority vote to support it, the appointment doesn't occur. Ours is very different. It's really a role of rejection. The appointments stand unless a majority of this body votes to say that's not going to happen.

Now if you think about that difference as I have, I came to the conclusion that appointments of a Governor that are subject to advice and consent deserve the benefit of the doubt. And, frankly, I've been subject to some criticism for taking that position because it is basically a non-aggressive stance. I believe that to this day after two and three-quarters of a year of doing this with dozens and dozens, if not hundreds, of appointments, I think I am right about that. A gubernatorial appointment subject to the role of advice and consent of this body deserves the benefit of the doubt, and the role of the Senate, whether it's through hearings or background checks, all of which we do in the Government Operations Committee, is basically to ensure that people of an unseemly past or character, uncertain qualifications, or if they don't meet the statutory requirements of the appointment, do not serve.

I've taken it even one more step. I went to Governor Granholm before she was sworn in as Governor, before we were sworn in as Senators and said, "If we ever come to the conclusion by using background checks and hearing process, but primarily through the background checks, that we are not comfortable with an appointment, I will go to you beforehand. Not go to the press, not bring it to this body, I will go to you beforehand and give you the opportunity to withdraw the appointment," which we have done. And several potential appointments, because of that, had been withdrawn.

Any dispassionate observer of this process undertaken by this Senate and the Government Operations Committee would say that is more than fair. And actually, because of that, there have been some people appointed and are serving in state government today based on their record of service that I would reject. But that's okay. That's okay. I'm willing to make that mistake in deference to what I think is the proper role of advice and consent. And that is all this bill does. It says that these important positions, I would argue in the grand scheme of things if you look at appointments subject to advice and consent, financial managers of distressed cities, clearly ought to be subject to advice and consent.

As I've said, our real role is to ensure that individuals of an unseemly character, uncertain qualifications, or an unseemly past do not serve. So I take some objection to individuals who say that the way we've chosen to exercise our constitutional role of advice and consent is a political role. Anytime you have the Senate or the House or the Governor involved in things, not saying politics isn't there, but this sort of accusation or charge that this has kind of been the aura of how we've done this advice and consent, I object to because it's flat out not true.

Senator Goschka's statement is as follows:

I find this entire debate surprising. I said in the committee process that I know that the good Senator from Highland Park was very supportive of this legislation—was a co-sponsor. I know that through it all, Senator Bishop was clearly read as being very genuine in everything that he was putting forth and it was accepted as such. I don't know what might have changed back home, but this is good legislation; something that one would expect when it comes to financial management that there should be advice and consent. You don't want just anybody to be put into the position of such authority.

Through the entire committee process, I saw an amicable spirit; one in which everything was accepted. I do know that there were some amendments that were considered, but they were not going to be offered because the support wasn't there, and in the interest of good government, good local government, this bill was going to go on as it was written. I, frankly, for one, commend Senator Bishop for his leadership as one being so concerned on such an important issue.

Financial management of a city is vital. We want to make sure that the very best people are put in position who can help a city—can help any area—particularly when it deals with finances, and advice and consent is appropriate. You don't just let things happen and look the other way. I think that this body has demonstrated a remarkable maturity in all facets when we've considered individuals for advice and consent, and I don't know why we wouldn't do it in this arena as well.

People want to know that their tax dollars are spent wisely. They want to know that their tax dollars are being spent in a manner that is appropriate. In my own district, we've got a couple of communities that are teetering on financial issues. If it ever came to something like this, I would want to make sure that we made the very best decisions in putting people in charge who can make appropriate decisions dealing with the finances—the tax-paying dollars of taxpayers.

This ought not to be relegated to a political argument. It wasn't in the committee process, and I don't know what changed back in certain districts perhaps, but this legislation that Senator Bishop has put forth all along the way, up until this moment, has been all amicable, workable. I appreciate also the leadership of Senator Toy, the chair of the committee on which I served that dealt with this bill. She was wonderful in every fashion in dealing with this legislation, giving everyone opportunity to have an open door to state their concerns and views. I don't know what changed, but this legislation has not changed. People can, but what's in print doesn't. This is good legislation and I support it strongly. We ought not to allow politics of any fashion, local or otherwise, to somehow enter into this debate. It really does tear down the process, and I, for one, won't have any of it.

The following bill was read a third time:

House Bill No. 4143, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

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. 449

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

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 establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4144, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

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. 450

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

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 establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4588, entitled

A bill to amend 1985 PA 87, entitled “Crime victim’s rights act,” by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding sections 17a, 19a, 46b, and 80a.

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. 451

Yeas—38

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	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

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 establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 30.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (the “Educational Institution”), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the “Authority”); and

Whereas, The site for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition (the “Facility”) is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the “State”) may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the “Lease”); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition shall not exceed \$12,600,000 (the Authority share is \$9,450,000, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$3,150,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$9,450,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$648,000 and \$847,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Brater, Cassis, Goschka, Jacobs, Kuipers, Switalski and Toy were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 31.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition shall not exceed \$9,600,000 (the Authority share is \$7,200,000, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$2,400,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$7,200,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$494,000 and \$646,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Brater, Cassis, Goschka, Jacobs, Kuipers, Switalski and Toy were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 32.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building shall not exceed \$26,000,000 (the Authority share is \$14,769,231, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$11,230,769), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$14,769,231, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,013,000 and \$1,324,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental

was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Birkholz, Brater, Cassis, Goschka, Hammerstrom, Jacobs, Kuipers, Switalski and Toy were named co-sponsors of the concurrent resolution.

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 33.

A concurrent resolution to urge the Michigan Supreme Court to issue a temporary restraining order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has ruled on the constitutionality of this issue.

Whereas, Michigan voters overwhelmingly amended their constitution in November 2004, adding Article I, Section 25, expressing a clear intent that marriage be limited to heterosexual couples and that the "benefits of marriage" be secured for "our society and for future generations"; and

Whereas, Attorney General Cox ruled as early as March 16, 2005, that governmental entities may not offer benefits to same-gender partners, as such a practice is disallowed under Article I, Section 25 of the Michigan Constitution; and

Whereas, The city of Kalamazoo has been offering benefits to city employees who are in homosexual domestic partner unions mimicking marriage; and

Whereas, Governor Granholm has authorized negotiations with state employees to offer benefits to same-gender people in unions mimicking marriage; and

Whereas, Suit was brought in the 30th Circuit Court asking that the court uphold the ability of governmental entities to offer benefits to homosexual couples in unions that mimic marriage despite the constitutional language; and

Whereas, On September 28, 2005, the 30th Circuit Court ruled, in the case *National Pride At Work, et al, v. Jennifer Granholm and Michael A. Cox*, that governmental entities could offer benefits to homosexual couples in unions that mimic marriage; and

Whereas, The governor has stated publicly that she intends to implement "quickly" such benefits for state employees in such unions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Michigan Supreme Court to issue a temporary restraining order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has ruled on the constitutionality of this issue; and be it further

Resolved, That we urge the Michigan Supreme Court to take up this case quickly and to resolve this public policy issue in an expeditious manner; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Michigan Supreme Court.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senator Cropsey offered the following resolution:

Senate Resolution No. 68.

A resolution to urge the Michigan Supreme Court to issue a temporary restraining order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has ruled on the constitutionality of this issue.

Whereas, Michigan voters overwhelmingly amended their constitution in November 2004, adding Article I, Section 25, expressing a clear intent that marriage be limited to heterosexual couples and that the “benefits of marriage” be secured for “our society and for future generations”; and

Whereas, Attorney General Cox ruled as early as March 16, 2005, that governmental entities may not offer benefits to same-gender partners, as such a practice is disallowed under Article I, Section 25 of the Michigan Constitution; and

Whereas, The city of Kalamazoo has been offering benefits to city employees who are in homosexual domestic partner unions mimicking marriage; and

Whereas, Governor Granholm has authorized negotiations with state employees to offer benefits to same-gender people in unions mimicking marriage; and

Whereas, Suit was brought in the 30th Circuit Court asking that the court uphold the ability of governmental entities to offer benefits to homosexual couples in unions that mimic marriage despite the constitutional language; and

Whereas, On September 28, 2005, the 30th Circuit Court ruled, in the case *National Pride At Work, et al, v. Jennifer Granholm and Michael A. Cox*, that governmental entities could offer benefits to homosexual couples in unions that mimic marriage; and

Whereas, The governor has stated publicly that she intends to implement “quickly” such benefits for state employees in such unions; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Supreme Court to issue a temporary restraining order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has ruled on the constitutionality of this issue; and be it further

Resolved, That we urge the Michigan Supreme Court to take up this case quickly and to resolve this public policy issue in an expeditious manner; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Supreme Court.

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 further consideration of the resolution be postponed for today.

The motion prevailed.

Senate Concurrent Resolution No. 24.

A concurrent resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix. (For text of resolution, see Senate Journal No. 54, p. 803.)

The House of Representatives has adopted the concurrent resolution and named Reps. Accavitti, Adamini, Anderson, Booher, Brown, Byrnes, Caswell, Caul, Clack, Elsenheimer, Farhat, Farrah, Garfield, Gleason, Gonzales, Gosselin, Jones, Kahn, Kolb, Lemmons, III, Lipsey, Marleau, Meyer, Miller, Mortimer, Nofs, Palmer, Pavlov, Pearce, Phillips, Plakas, Polidori, Sak, Shaffer, Alma Smith, Stahl, Tobocman, Van Regenmorter, Zelenko and Kathleen Law as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Van Woerkom and Barcia introduced

Senate Bill No. 782, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 66. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Bishop, Birkholz, Patterson, Hardiman, Gilbert, Kuipers, Goschka, Jelinek and Toy introduced

Senate Bill No. 783, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 11526d, 11526e, 11526f, 11526g, and 11526h.

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

Senators Allen, Stamas, Goschka, Jelinek and Toy introduced

Senate Bill No. 784, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7jj. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Bishop introduced

Senate Bill No. 785, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

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

Senators Cherry, Hardiman, Goschka, Jelinek and Brater introduced

Senate Bill No. 786, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 709 (MCL 257.709), as amended by 2000 PA 127.

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

Senators Brater, Jacobs, Thomas, Basham, Leland, Clark-Coleman, Scott, Emerson and Clarke introduced

Senate Bill No. 787, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 302, 302a, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2302a, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, section 202 as amended by 1991 PA 11, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

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

Senators Jelinek, Van Woerkom, Gilbert, Kuipers, Thomas, Hardiman, Brater, Goschka, Birkholz and Allen introduced

Senate Bill No. 788, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

House Bill No. 4260, entitled

A bill to amend 1951 PA 90, entitled "An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act," by amending section 2 (MCL 431.252), as amended by 1998 PA 505.

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 Agriculture, Forestry and Tourism.

House Bill No. 4327, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2002 PA 472; and to repeal acts and parts of acts.

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

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

House Bill No. 4753, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 168a.

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

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

House Bill No. 4968, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1104, 2301, 2519, 2908, 3715, 3804, 3919, 5202, 5204, 5217, 5301, 5308, 5423, 7401, 7502, and 7508 (MCL 700.1104, 700.2301, 700.2519, 700.2908, 700.3715, 700.3804, 700.3919, 700.5202, 700.5204, 700.5217, 700.5301, 700.5308, 700.5423, 700.7401, 700.7502, and 700.7508), sections 1104, 2519, 5202, 5204, 5301, and 5308 as amended by 2000 PA 54, sections 2301 and 3715 as amended by 2004 PA 314, section 5423 as amended by 2000 PA 469, and section 7508 as amended by 2000 PA 177.

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

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

House Bill No. 5046, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20927 (MCL 333.20927), as added by 1990 PA 179.

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 Health Policy.

House Bill No. 5047, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4, 5, 6, 7, and 13 (MCL 125.2004, 125.2005, 125.2006, 125.2007, and 125.2013), sections 4, 5, 6, and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

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 Government Operations.

House Bill No. 5048, entitled

A bill to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

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 Government Operations.

House Bill No. 5109, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending the title and section 2 (MCL 12.252), and by adding sections 7 and 8; and to repeal acts and parts of acts.

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 Government Operations.

House Bill No. 5199, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 29 (MCL 250.1029).

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 Transportation.

House Bill No. 5215, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37e (MCL 208.37e), as added by 2003 PA 297.

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 Government Operations.

House Bill No. 5216, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 270 (MCL 206.270), as added by 2003 PA 295.

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 Government Operations.

Statements

Senators Sanborn, Jacobs, Hardiman, Scott and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sanborn's statement is as follows:

The statement that I have to make is a welcoming statement actually. This weekend, of course, is a very significant day in Michigan history. It's the day that we have an opportunity to welcome the Wolverines into the friendly confines of Spartan Stadium.

I, of course, am a third-generation Michigan State Spartan and my family means this very sincerely, and I do welcome Senator Cherry, Senator Bishop, Lieutenant Governor Cherry, and Senator Toy, as you come to enjoy the friendly confines of Michigan State Spartan Stadium.

And as far as your bowl aspirations after this weekend, I will refer you to Senator Judson Gilbert and sprinkle some business cards from his other career as far as your bowl aspirations.

Welcome to Michigan State Spartan Stadium this weekend.

Senator Jacobs' statement is as follows:

As has been my custom over the years when major Jewish holidays come up on the calendar, I like to come and share the background and the history of the holidays. With Rosh Hashanah occurring next week beginning on Monday night and being celebrated next Tuesday and Wednesday, I just wanted to take a minute or two to tell my colleagues and remind others what the holiday is about.

The holiday Rosh Hashanah occurs on the first and second days of the Jewish month of Tishri. In Hebrew, Rosh Hashanah means, literally, "head of the year" or "the first of the year," and it's commonly known as the Jewish New Year.

It's sort of a deceptive name because there is very little similarity between the Jewish Rosh Hashanah, one of the holiest days of the year, and our American celebration of New Year's, where we often party and have a daytime football game. There is, however, one important similarity between the Jewish New Year and the American one. Many Americans use the New Year as a time to plan a better life and they make resolutions. Likewise, the Jewish New Year is a time to begin introspection, looking back at the mistakes of the past year and planning changes to make in the new year.

One of the customs is the blowing of the shofar, or the ram's horn, which is used somewhat like a trumpet. And one of the most important observances of this holiday is hearing the sounding of the shofar in the synagogue. A total of 100 notes are sounded each day. There are four different types of shofar notes: tekiah, a three second sustained note; shevarim, three one-second notes rising in tone; teruah, a series of short, staccato notes extending over a period of about three seconds; and tekiah gedolah, which is the final blast in the set, which lasts about at least ten seconds.

It's been suggested that the shofar's sound is the actual call to repentance. No work is permitted on Rosh Hashanah, and much of the day is spent in the synagogue, where the regular daily liturgy is somewhat expanded. In fact, there is actually a special prayer book they have to use for these high holidays.

Another popular observance during the holiday is the eating of apples and bread that's dipped in honey. And another popular practice is the custom of Tashlikh, which is "casting off," and folks will walk to a flowing body of water, like a river or a creek, on the afternoon of the first day and empty pockets into the river, symbolically casting off our sins. It's not really something that's discussed in the Bible, but it is a long-standing custom.

And the common greeting at this time is L'shanah tovah, ("for a good year"). I ask and hope and pray for all that everyone here and Jews around the world be inscribed and sealed for a good year.

Senator Hardiman's statement is as follows:

The good Senator from the 14th District just described the Jewish holiday that's coming up very shortly much better than I ever could, but I did want to stand and say that, as I understand, many of our Jewish friends and colleagues have spent time in prayer and introspection and repentance even leading up to this day. This holiday is not referred to by its name, "Rosh Hashanah," in the Bible, but as I understand, it's instituted in Leviticus 23:24, 25.

I just want to take this time to wish my Jewish friends and colleagues a blessed Rosh Hashanah.

Senator Scott's statement is as follows:

I, too, wish my Jewish friends a happy Rosh Hashanah, I mean on Tuesday; I guess it is next week.

You know, I've had a few days that have been bad days since I've been in the Legislature. This has been another one of those days because, on one hand, when I stand up and fight redlining every day in the cities of Detroit and Highland Park, it goes on deaf ears. I've been standing now for probably nearly a couple years or so. But, yet, I stand today just wanting some good government, and I couldn't get those amendments in. Well, what do I know? I do know that I want

good government for all of my cities, and certainly, the city that I live in, that I pay taxes in. But I seem to have no control over what happens there. So I'm really sad today.

Then, to go on my website and also receive a hit from a Highland Parker who says, "My daughter and I are with AAA and we're paying \$4,854 a year for full coverage on two cars, a 1999 Chevy van and a 2005 Durango, leased for 39 months. This means we will pay almost \$15,000 just for insurance. And we're paying this because we live in Highland Park, a city of mostly blacks. If I must pay like this, I want Grosse Pointe, Bloomfield Hills, Eastpointe, Beverly Hills, Harper Woods, and all those other cities to pay the same. Why should they pay \$300 a year for luxury cars and I must pay for my car that takes me to my job to earn a living just like them? I'm tired of being a second-class citizen until it comes to paying taxes. I'm an American first and I'm an African-American second."

Senator Cropsey's statement is as follows:

I just wanted to pause and remark about that 15 minutes ago, the United States Senate voted to confirm John Roberts, Jr., as the seventeenth chief justice of the United States. I personally think this is a very good pick. I just wanted to commend United States Senator Carl Levin for voting to confirm Mr. Roberts. He put principle above politics. Oftentimes in Washington, D.C., it's very rare to see that happen, and I just think credit should be given when credit is due. I wanted to thank United States Senator Carl Levin for doing so.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Wednesday, October 5, 2005.

The motion prevailed.

Committee Reports

The Committee on Transportation reported

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article X, to restrict the power of state or local government to take private property by eminent domain for the primary benefit of private entities.

With the recommendation that the substitute (S-2) be adopted and that the joint resolution then be adopted.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 693, entitled

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 3 (MCL 213.23).

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

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

The Committee on Transportation reported

House Bill No. 4852, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a,

480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 4857, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 31 (MCL 474.131), as amended by 2001 PA 129.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4858, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and 257.724), section 683 as amended by 2000 PA 97, section 723 as amended by 2003 PA 152, and section 724 as amended by 2004 PA 420, and by adding section 312g; and to repeal acts and parts of acts.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, September 27, 2005, at 1:08 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

House Bill No. 5094, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, September 28, 2005, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Technology and Energy reported

Senate Bill No. 754, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 102, 202, 208, and 304 (MCL 484.2102, 484.2202, 484.2208, and 484.2304), section 102 as amended by 1998 PA 41, sections 202 and 208 as amended by 1995 PA 216, and section 304 as amended by 2000 PA 295; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Bruce Patterson

Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove and Leland

Nays: Senator Bernero

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

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Tuesday, September 27, 2005, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

Scheduled Meetings

Commerce and Labor - Wednesday, October 5, 1:00 p.m., Room 210, Farnum Building (373-2413)

Michigan Capitol Committee - Thursday, October 6, 12:30 p.m., Rooms 402 and 403 (CANCELED); Tuesday, October 11, 11:30 a.m., Room 426, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Thursday, October 6, 8:00 a.m., Room 100, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:06 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, October 5, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate