

No. 40
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, May 5, 2005.

10:00 a.m.

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

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

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

Senator Michael A. Prusi of the 38th District offered the following invocation:

Each and every day people of many faiths acknowledge their Creator and the blessings that are bestowed on humankind. With these blessings we are also given trials that test our faith. We thank God for giving us the means to meet the trials and tests that face our state today.

We have been given intelligence, reason, and resolve. Let us use these gifts to serve the people who have entrusted us to lead during these troubled times. God has given us compassion and an enormous capacity to love—to love not only our families and friends, but to love God and all of His creation.

Bring us today the wisdom to use all of these gifts and humble service to all of Michigan's people. Amen.

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

Motions and Communications

Senators Leland, Patterson, Goschka and Birkholz entered the Senate Chamber.

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

The following communications were received:

Department of State

Administrative Rules Notices of Filing

April 21, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 11:00 a.m. this date, administrative rule (05-04-03) for the Department of Environmental Quality, Water Division entitled "*Supplying Water to the Public-Part 4. Public Notification and Public Education,*" effective 7 days after filing with the Secretary of State.

April 21, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 11:02 a.m. this date, administrative rule (05-04-04) for the Department of Environmental Quality, Air Quality Division entitled "*Part 10. Intermittent Testing and Sampling,*" effective 7 days after filing with the Secretary of State.

Sincerely
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 4:
House Bill Nos. 4357 4603 4614 4615 4616 4677

The Secretary announced that the following official bills were printed on Wednesday, May 4, and are available at the legislative website:

Senate Bill Nos.	449	450	451	452	453	454	455	456						
House Bill Nos.	4699	4700	4701	4702	4703	4704	4705	4706	4707	4708	4709	4710	4711	4712
	4713	4714	4715	4716	4717	4718	4719	4720	4721	4722	4723	4724	4725	4726

Messages from the Governor

The following message from the Governor was received on May 4, 2005, and read:

EXECUTIVE ORDER No. 2005-10

Advisory Council on Asian Pacific American Affairs

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the law be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the religious, ethnic, racial, and cultural diversity of the State of Michigan is one of our state's greatest strengths;

WHEREAS, by working to build "One Michigan" the State of Michigan can help ensure that all of our people have an equal opportunity to pursue their dreams and are welcomed into our inclusive community;

WHEREAS, Michigan's Asian Pacific American community has contributed significantly to Michigan's culture and economy;

WHEREAS, the creation of an advisory council focused on issues of concern to Michigan's Asian Pacific American community will advance the building of "One Michigan" and help ensure that Asian Pacific Americans are equal participants in our community and our economy;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Council" means the Advisory Council on Asian Pacific American Affairs created by this Order.

B. "Department" means the Department of Civil Rights, a principal department of state government created under Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

II. CREATION OF THE ADVISORY COUNCIL ON ASIAN PACIFIC AMERICAN AFFAIRS

A. The Advisory Council on Asian Pacific American Affairs is created within the Department of Civil Rights as an advisory body to the Governor and the Director of the Department.

B. The Council shall consist of 29 members appointed by the Governor. Of the members initially appointed, 8 members shall be appointed for terms expiring on April 30, 2006; 7 members shall be appointed for terms expiring on April 30, 2007; 7 members shall be appointed for terms expiring on April 30, 2008; and 7 members shall be appointed for terms expiring on April 30, 2009. After the initial appointments, members of the Council shall be appointed to 4-year terms.

C. In addition to the members appointed under Section II.B, the Director of the Department and the Director of the Department of Labor and Economic Growth, or their designees, shall serve as non-voting ex officio members of the Council.

D. A vacancy on the Council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

E. The Governor shall designate a member of the Council to serve as its Chairperson at the pleasure of the Governor. The Governor may designate a member of the Council to serve as its Vice-Chairperson at the pleasure of the Governor.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the Governor and the Director and shall do all of the following:

1. Review and advise the Governor and the Director on the state's policies concerning the Asian Pacific American community.

2. Review and advise the Governor and the Director of the nature, magnitude, and priorities of the issues facing the Asian Pacific American community.

3. Monitor, evaluate, investigate, and recommend programs for the betterment of Asian Pacific Americans in Michigan.

4. Analyze and recommend policies and programs to advance economic development within the Asian Pacific American community and related policies and programs to increase exports by Michigan companies to Asia and the Pacific.

5. Make recommendations to the Governor and the Director regarding changes in state programs, statutes, regulations, and policies, including, but not limited to, the coordination of state programs serving Asian Pacific Americans.
6. Recommend policy and action plans to serve the needs of Asian Pacific Americans in Michigan.
7. Recognize the history, accomplishments, and contributions of Michigan's Asian Pacific American community.
8. Make recommendations to the Governor and the Director regarding methods of overcoming discrimination against Asian Pacific Americans.
9. Promote public awareness of Asian Pacific American culture.
10. Promote equal access to state services.
11. Promote the involvement of Asian Pacific Americans in government at all levels.

B. The Council shall also provide other information or advice regarding Asian Pacific American Affairs as requested by the Governor or the Director.

C. In addition, the Council shall issue reports that address issues described in this Section III and provide recommendations at times designated by the Governor or the Director.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department as directed by the Governor. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director.

B. The Council shall select a Secretary from among its members. The Department shall assist the Secretary with recordkeeping responsibilities.

C. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

D. The Council may establish committees and request public participation on advisory panels as it deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by committees or advisory panels.

E. The Council may designate members of the legislative branch or judicial branch of state government as non-voting honorary members of the Council.

F. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

G. A majority of the members serving on the Council constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

H. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

I. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

J. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Department of Management and Budget and the Civil Service Commission.

K. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

L. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 4th day of May, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received:

Date: May 4, 2005
Time: 10:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 171 (Public Act No. 18), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” (MCL 421.1 to 421.75) by adding section 22b.

(Filed with the Secretary of State on May 4, 2005, at 10:58 a.m.)

Date: May 4, 2005
Time: 10:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 174 (Public Act No. 19), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 41 (MCL 421.41).

(Filed with the Secretary of State on May 4, 2005, at 11:00 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received:

May 4, 2005

As provided under Section 33 of Article IV of the Michigan Constitution of 1963, today I have approved and filed Enrolled Senate Bills 171 and 174 and two related bills, Enrolled House Bills 4414 and 4415. Approval of this bi-partisan package of legislation to crack down on schemes known as “SUTA dumping” that are used by some employers to avoid paying their full share of unemployment taxes is an important step. However, further action to prohibit SUTA dumping, protect the integrity of Michigan’s Unemployment Compensation Fund, and provide adequate benefits for our unemployed citizens must be an on-going high priority for the 93rd Michigan Legislature.

Activities by unethical employers to disguise their true unemployment experience and manipulate unemployment tax rates rob Michigan's Unemployment Compensation Fund, hurt law-abiding employers and cheat Michigan workers. Such SUTA dumping activity has been described by the United States Department of Labor as an "abusive practice" and "unscrupulous." For that reason, federal law requires that Michigan enact laws to close such loopholes and punish employers who dodge their responsibilities by engaging in SUTA dumping.

While enactment of this legislation is required now to comply with federal law and to avoid penalties and the potential of lost benefits for unemployed Michigan workers, more must be done. Vigorous enforcement and additional changes in Michigan law will be required. Accordingly, I have directed the Department of Labor and Economic Growth to use aggressively all available legal and administrative tools at its disposal to stop SUTA dumping.

Additionally, those who would dodge their responsibilities to our state's unemployment compensation system are constantly developing new techniques to avoid their obligations, including the misuse of professional employer organizations. State compliance with minimal federal requirements alone will not stop them.

Workers and job providers in Michigan that play by the rules deserve protections from those corporate cheaters who refuse to pay their fare share to support our unemployment safety net. I therefore urge you to pursue additional legislative action to cut off all SUTA dumping loopholes used to take advantage of our unemployment system. This state, its employers, and Michigan workers can't afford a law that legitimizes SUTA dumping in any form.

Slamming the door on SUTA dumping and protecting Michigan's Unemployment Compensation Fund increases the likelihood that the state will have the ability to increase unemployment benefits. We have worked together in the past to extend unemployment benefits. I look forward to working with you on additional efforts to protect Michigan's unemployment compensation system and increase benefits for Michigan's unemployed workers.

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

Senate Bill No. 332, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3104, 3109, and 3112 (MCL 324.3103, 324.3104, 324.3109, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3103, 3104, and 3112 (MCL 324.3103, 324.3104, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

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

Senators Thomas and Bernero entered the Senate Chamber.

Senate Bill No. 199, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1021 (MCL 436.2021), as amended by 2002 PA 725.

Substitute (H-1).

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

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

Roll Call No. 103

Yeas—37

Allen
Barcia

Clark-Coleman
Cropsey

Jacobs
Jelinek

Sanborn
Schauer

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

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

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, Lieutenant Governor Cherry, designated Senator Allen as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 130, entitled

A bill to require persons convicted of certain offenses to disclose those offenses before coaching youth; and to provide penalties.

House Bill No. 4242, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2830 (MCL 333.2830), as amended by 1994 PA 242.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 328, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11f (MCL 388.1611f), as amended by 2004 PA 351.

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. 329, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 20 and 22b (MCL 388.1620 and 388.1622b), as amended by 2004 PA 351, and by adding section 34.

Substitute (S-2).

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. 330, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2004 PA 351.

Substitute (S-2).

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. 327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

Substitute (S-2).

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

1. Amend page 3, line 13, after "**FIRST**" by striking out "**3**" and inserting "**6**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 356, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397, and by adding section 5309a.

Substitute (S-3).

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. 419, entitled

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

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. 131, entitled

A bill to prohibit publicly displaying or playing sexually explicit matter; and to provide penalties.
Substitute (S-2).

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

1. Amend page 5, following line 8, by inserting:

“Sec. 5. Section 3 does not apply to a radio station or television station licensed and regulated by the federal communications commission.”.

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

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

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

- Senate Bill No. 328**
- Senate Bill No. 329**
- Senate Bill No. 330**
- Senate Bill No. 327**

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. 354**
- Senate Bill No. 355**
- Senate Bill No. 2**
- Senate Bill No. 328**
- Senate Bill No. 330**
- Senate Bill No. 327**
- Senate Bill No. 329**

The motion prevailed.

Senator Clarke entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 354, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 14.

The question being on the passage of the bill,

Senator Jacobs offered the following amendments:

- 1. Amend page 15, line 6, after “**DAMAGES**” by striking out “**OF \$10,000.00 OR MORE**”.
- 2. Amend page 15, following line 11, by inserting:

“(iv) **ASSESSMENT BY FINAL DEPARTMENT ACTION OF AN ADMINISTRATIVE FINE FOR A VIOLATION OF APPLICABLE ENVIRONMENTAL REQUIREMENTS.**” and renumbering the remaining subparagraph.

The amendments were not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 104

Yeas—23

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jelinek	Sikkema
Birkholz	George	Johnson	Stamas
Bishop	Gilbert	Kuipers	Toy

Brown
Cassis

Goschka
Hammerstrom

McManus
Patterson

Van Woerkom

Nays—15

Basham
Bernero
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi
Schauer

Scott
Switalski
Thomas

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 355, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 23 (MCL 325.1023).

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. 105

Yeas—23

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—15

Basham
Bernero
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi
Schauer

Scott
Switalski
Thomas

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 354 and 355.

Senator Jacobs' statement is as follows:

I voted "no" on Senate Bill No. 354 and the companion bill, Senate Bill No. 355, because I believe that the Clean Corporate Citizen program does not belong in statute and does not require the financial incentives included in this bill to attract and maintain participants. As several members from across the aisle indicated, this program has worked well as it presently functions, and that has occurred without being elevated to the level of a statutory program.

The DEQ invests a great deal of time and energy ensuring that C3 applicants are in compliance with environmental laws to earn their C3 designation. Placing the C3 program into statute and offering a \$500 rebate in permit fees for a C3 company increases the burden on the department and formalizes an informal program that should remain flexible and informal. The bill simultaneously cuts the resources of the DEQ, which already has suffered serious cuts in its overall funding and currently seeks several fee increase proposals to protect human health and ensure clean air and water. In short, the bills chip away at agency funding while proposing to reward companies for simply complying with the law.

Senate Bill No. 354, as proposed, appears to be fixing a problem that does not exist. Further, it tampers with legitimate executive branch authority by placing DEQ rules into statute and then directly prohibits the administration from promulgating any further rules for this program. This legislation is both unnecessary and inappropriately meddles with the authority of the executive branch.

The following bill was read a third time:

Senate Bill No. 2, entitled

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

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. 106

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 328, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11f (MCL 388.1611f), as amended by 2004 PA 351.

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. 107

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 330, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2004 PA 593.

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. 108

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 327, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

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. 109

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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 329, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 20 (MCL 388.1620), as amended by 2004 PA 351, and by adding section 34.

The question being on the passage of the bill,

Senator Emerson offered the following amendment:

1. Amend page 20, following line 13, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 246 of the 93rd Legislature is enacted into law.”

The question being on the adoption of the amendment,

Senator Emerson requested the yeas and nays.

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

Senator Sikkema offered the following amendment to the amendment:

1. Amend Senator Emerson's Amendment No. 1, page 20, following line 13, enacting section 1, after "unless" by striking out the balance of the amendment and inserting "all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 73.
- (b) Senate Bill No. 92.
- (c) Senate Bill No. 221.
- (d) Senate Bill No. 222.
- (e) Senate Bill No. 223.
- (f) Senate Bill No. 224.
- (g) Senate Bill No. 225.
- (h) Senate Bill No. 226.
- (i) Senate Bill No. 227.
- (j) Senate Bill No. 228.
- (k) Senate Bill No. 251.
- (l) Senate Bill No. 298.
- (m) Senate Bill No. 353.
- (n) Senate Bill No. 354.
- (o) Senate Bill No. 355.
- (p) Senate Bill No. 356.
- (q) Senate Bill No. 357.
- (r) Senate Bill No. 358.
- (s) Senate Bill No. 359.
- (t) Senate Bill No. 387.
- (u) Senate Bill No. 393.
- (v) Senate Bill No. 398.
- (w) Senate Bill No. 399.
- (x) Senate Bill No. 415.
- (y) Senate Bill No. 419.
- (z) House Bill No. 4342."

The question being on the adoption of the amendment to the amendment, Senator Sikkema requested the yeas and nays.

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

Senator Hammerstrom moved that the previous question be ordered.

The motion prevailed.

The question being on the adoption of the amendment to the amendment,

The amendment to the amendment was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 110

Yeas—21

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

Protest

Senator Emerson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Sikkema to Senate Bill No. 329.

Senator Emerson's statement is as follows:

I voted "no" on the Sikkema amendment because his amendment wiped out my amendment. He took out the tie-bar to the issue that is really relevant to this bill, and that's the funding of K-12 education. I would have supported his amendment to tie-bar it to everything under the sun because I think discussing any of those issues probably would be better than discussing the issues that we have discussed so far today, so far this session. Essentially, I voted "no" because it took out the tie-bar to Senate Bill No. 246 and added all these other tie-bars. While I think that's an excellent way to ensure that this bill will never take effect, and for that reason, I probably should have supported it. I opposed the Sikkema amendment and voted "no" because it did away with tie-barring the funding of early intervention education and took out the tie-bar to funding K-12 education. I think it's important that we have that discussion. We have that discussion on jobs and we have that discussion on funding appropriately our K-12 system. So I voted "no" on that amendment, and I wanted to offer that explanation as to why.

The question being on the adoption of the amendment, as amended,

Senator Sikkema moved to reconsider the vote by which the amendment to the amendment was adopted.

The motion prevailed.

The question being on the adoption of the amendment to the amendment,

Senator Sikkema withdrew the amendment.

Recess

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

The motion prevailed, the time being 11:21 a.m.

11:26 a.m.

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

Senator Sikkema offered the following amendment to the amendment:

1. Amend Senator Emerson's Amendment No. 1, page 20, following line 13, enacting section 1, after "unless" by striking out the balance of the amendment and inserting "all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 73.
- (b) Senate Bill No. 92.
- (c) Senate Bill No. 221.
- (d) Senate Bill No. 222.
- (e) Senate Bill No. 223.
- (f) Senate Bill No. 224.
- (g) Senate Bill No. 225.
- (h) Senate Bill No. 226.
- (i) Senate Bill No. 227.
- (j) Senate Bill No. 228.
- (k) Senate Bill No. 251.
- (l) Senate Bill No. 298.
- (m) Senate Bill No. 353.

- (n) Senate Bill No. 354.
- (o) Senate Bill No. 355.
- (p) Senate Bill No. 356.
- (q) Senate Bill No. 357.
- (r) Senate Bill No. 358.
- (s) Senate Bill No. 359.
- (t) Senate Bill No. 387.
- (u) Senate Bill No. 393.
- (v) Senate Bill No. 398.
- (w) Senate Bill No. 399.
- (x) Senate Bill No. 415.
- (y) Senate Bill No. 419.
- (z) House Bill No. 4342.
- (aa) Senate Bill No. 246.”.

The question being on the adoption of the amendment to the amendment, Senator Sikkema requested the yeas and nays.

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

Senator Hammerstrom moved that the previous question be ordered.

The motion prevailed.

The question being on the adoption of the amendment to the amendment,

The amendment to the amendment was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 111

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	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

Nays—1

Switalski

Excused—0

Not Voting—0

In The Chair: President

The question being on the adoption of the amendment, as amended, Senator Sikkema moved that the previous question be ordered.

The motion prevailed.

The question being on the adoption of the amendment, as amended,

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 112**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: President

The question being on the passage of the bill,
 Senator Hammerstrom moved that the previous question be ordered.
 The motion prevailed.

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. 113**Yeas—28**

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

Nays—10

Basham	Clarke	Leland	Scott
Brater	Emerson	Prusi	Thomas
Clark-Coleman	Jacobs		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that the following bills, now on the order of General Orders, be referred to the Committee on Education:

Senate Bill No. 324, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

Senate Bill No. 325, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2004 PA 351.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 31

The resolution consent calendar was adopted.

Senators Bishop, Johnson, Cassis and Cherry offered the following resolution:

Senate Resolution No. 31.

A resolution commemorating Oakland Community College on its 40th Anniversary.

Whereas, Oakland Community College first opened its doors in 1965 with the vision of putting students first so that they could reach their highest potential; and

Whereas, Oakland Community College is a student-centered institution that provides high quality learning opportunities and services for individuals, communities, and organizations on an accessible, affordable basis; and

Whereas, The purpose of Oakland Community College is to provide a quality educational experience enabling students to transfer to other institutions of higher education; opportunities in developmental education to prepare students for college-level studies; workforce development training and learning opportunities to meet the needs of business and industry; general educational opportunities enabling students to learn independently and develop skills for career success; and cultural, social, and enrichment opportunities for lifelong learning; and

Whereas, Oakland Community College is the largest community college in Michigan with students attending from over 80 countries. They have more than 100 two-year programs, over 45 one-year certificate programs, and five campuses located in Oakland County; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate Oakland Community College on its 40th Anniversary. We encourage all citizens to support the efforts of this college in their communities; and be it further

Resolved, That a copy of this resolution be transmitted to Oakland Community College as a token of our esteem and best wishes for continued success.

Introduction and Referral of Bills

Senators Toy, Birkholz, Jelinek, Bernero, Kuipers, Switalski and Goschka introduced

Senate Bill No. 460, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5b (MCL 117.5b).

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

Senators Bishop, Scott, Basham, Kuipers, Jelinek, Allen, Leland, Hammerstrom, Toy, Birkholz, George, McManus, Hardiman, Stamas, Brown and Goschka introduced

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

Senators Switalski, Johnson, Goschka and Jacobs introduced

Senate Bill No. 462, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

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

Senators Van Woerkom and Cropsey introduced

Senate Bill No. 463, entitled

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

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

Senators Toy and Cropsey introduced

Senate Bill No. 464, entitled

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

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

Senators Jacobs, Basham, Switalski, Clark-Coleman, Barcia, Olshove, Hammerstrom, Leland, Cherry, Thomas, Patterson, Gilbert, Cropsey, Prusi, Brater, Schauer and Stamas introduced

Senate Bill No. 465, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16177 and 20175 (MCL 333.16177 and 333.20175), section 16177 as amended by 1998 PA 332 and section 20175 as amended by 2000 PA 319, and by adding sections 16213 and 20175a.

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

Senators Patterson, Switalski, Cherry, Olshove, Jacobs, Hammerstrom, Gilbert, Cropsey, Prusi, Brater, Barcia, Schauer and Stamas introduced

Senate Bill No. 466, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 111b (MCL 400.111b), as amended by 2000 PA 187.

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

Senators George, Switalski, Cherry, Olshove, Jacobs, Hammerstrom, Gilbert, Cropsey, Patterson, Prusi, Brater, Barcia, Schauer and Stamas introduced

Senate Bill No. 467, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 17020, and 17520 (MCL 333.16221, 333.17020, and 333.17520), section 16221 as amended by 2004 PA 214 and sections 17020 and 17520 as added by 2000 PA 29, and by adding sections 17020a, 17520a, and 20170a.

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

Senators Cherry, Olshove, Leland, Switalski, Patterson, Jacobs, Hammerstrom, Thomas, Gilbert, Cropsey, Prusi, Brater, Barcia, Schauer and Stamas introduced

Senate Bill No. 468, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2002 PA 437.

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

Senators Garcia, Kuipers, Hardiman and Goschka introduced

Senate Bill No. 469, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Senator Cropsey introduced

Senate Bill No. 470, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

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

Senator Toy introduced

Senate Bill No. 471, entitled

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

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

Senator Kuipers introduced

Senate Bill No. 472, entitled

A bill to amend 1987 PA 26, entitled "Michigan superconducting super collider act," by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

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

Senator Goschka introduced

Senate Bill No. 473, entitled

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

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

Senator Garcia introduced

Senate Bill No. 474, entitled

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

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

Senator Hardiman introduced

Senate Bill No. 475, entitled

A bill to amend 1982 PA 175, entitled "An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts," by amending section 2 (MCL 125.1952).

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

Senator Sanborn introduced

Senate Bill No. 476, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 77 (MCL 125.2077).

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

Senators Allen and Goschka introduced

Senate Bill No. 477, entitled

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

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

Senator Jelinek introduced

Senate Bill No. 478, entitled

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

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

Senator Patterson introduced

Senate Bill No. 479, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6m (MCL 460.6m), as added by 1982 PA 304.

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

Senator Birkholz introduced

Senate Bill No. 480, entitled

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

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

Senator Cropsey introduced

Senate Bill No. 481, entitled

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

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

House Bill No. 4357, entitled

A bill to amend 2004 PA 438, entitled "An act to designate Police Officers Memorial Day in the state of Michigan," by amending the title and sections 1 and 2 (MCL 435.351 and 435.352).

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

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

House Bill No. 4603, entitled

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

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. 4614, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81134, 81135, 81136, 81137, 81140, 81141, and 81144 (MCL 324.81101, 324.81134, 324.81135, 324.81136, 324.81137, 324.81140, 324.81141, and 324.81144), section 81101 as amended by 2004 PA 587, section 81134 as amended by 2001 PA 12, section 81135 as amended by 1999 PA 22, sections 81136 and 81141 as amended by 1996 PA 175, and sections 81137, 81140, and 81144 as added by 1995 PA 58, and by adding section 81140b.

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. 4615, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80171, 80176, 80180, 80183, 80184, 80187, and 80190 (MCL 324.80101, 324.80171, 324.80176, 324.80180, 324.80183, 324.80184, 324.80187, and 324.80190), section 80101 as amended by 2004 PA 547, sections 80171 and 80190 as added by 1995 PA 58, section 80176 as amended by 2001 PA 12, and sections 80180, 80183, 80184, and 80187 as amended by 1996 PA 174.

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. 4616, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82127, 82136, 82139, 82140, 82143, 82144, and 82146 (MCL 324.82101, 324.82127, 324.82136, 324.82139, 324.82140, 324.82143, 324.82144, and 324.82146), section 82101 as amended by 2004 PA 587, section 82127 as amended by 2001 PA 12, sections 82136 and 82146 as added by 1995 PA 58, and sections 82139, 82140, 82143, and 82144 as amended by 1996 PA 183.

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. 4677, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 87.

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.

Statements

Senators Scott, Schauer, Bernero and Cassis 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:

Today I have some more of my website hits on insurance. The first one comes from Detroit, "I've not had a ticket since 1998, and I hadn't had a ticket for over ten years before that. I have no accidents. I'm 56 years old, no other drivers in the household. I drive a '96 Windstar. I have Secura Insurance and pay \$1,300 every six months. My insurance was increased substantially when I got the Windstar. I previously had a SHO/1995, a sports car. When I protested, they told me that the Windstar costs more to insure than the SHO. While speaking with a relative that lives in Livonia, I was told that they pay about the same amount every six months for two vans ('97 and '03), one Toyota ('00), and one other car which their 21-year-old daughter drives. They have accidents and/or tickets on their driving record. Why am I paying twice as much as they pay?"

Another one from Detroit, "I have a 2004 Durango and a 1995 Grand Cherokee. Both have full coverage and paying the same amount of insurance, \$5,000 a year."

Another one in Detroit, "I live in Detroit near Highland Park. I know I pay three times the amount as my daughter who lives in Southfield."

Another Detroit, "I pay over \$200 a month for auto insurance for a 2000 Nissan Sentra. I live in Detroit. My sister who lives in Warren pays \$400-\$500 every six months for a 2000 Sebring. My father has two vehicles insured by State Farm, and I pay about \$40 less than he does for insurance. He is over 65 and lives in Detroit. When is this going to end? I have written State Farm about increasing my auto insurance every six month just because I live on the wrong side of 8 Mile. I am a single parent who just happens to work for the city of Detroit, who has recently taken a demotion

and now I am wondering how I am going to make ends meet. I can't increase my deductible which is already \$500 for standard coverage. I don't understand how this can continuously go on. I haven't been involved in an accident in over five years, and when I was, it wasn't my fault and the other person ran the red light. Why should I have to pay twice as much for home and auto insurance because of my credit score or where I live? Neither has anything to do with the other, whether I obey traffic laws, wear my seat belt, or am a safe driver. It's wrong and if lawmakers don't do something about it, people are going to start taking matters into their own hands."

Senator Schauer's statement is as follow:

I rise to talk about jobs. During the discussion about an amendment, the Senate Majority Leader referred to the Republicans' jobs package. Well, I think it's time we talk about the Michigan's job package. I wanted to rise to remind my colleagues and invite their co-sponsorship of a blueback that I have at my desk and an orangeback that Senator Jacobs has at her desk to create the Jobs for Michigan Initiative. The Governor announced the details of this package. There has been some criticism that the details are not there. Well, the details are here and the bill is being introduced today. My bill amends the Michigan Strategic Fund Act to create the Jobs for Michigan Act.

This is critical that we work in a bipartisan way quickly to move this legislation. This bill and this resolution would put the initiative on the ballot in November of 2005. That means we have to work quickly. We have to act urgently in response to jobs that have been leaving our state. The legislation and resolution would create a \$2 billion fund. Bond proceeds over the next four years would spur job growth for all people in our state in all walks of life—all kinds of jobs for all kinds of people, from research and development to construction and manufacturing. The fund would create over 70,000 jobs and would diversify Michigan's economy, helping to make Michigan the place in the country for companies to research, develop, and manufacture the innovative projects of the future.

The fund will not raise taxes. The fund will be independently audited and will rely on experts, not government, to direct investments in the most likely areas of success. The fund will help create jobs and opportunity that will provide a work environment for our children and young people in our state.

The Jobs for Michigan Fund, colleagues, creates a substantial and stable source of funding needed to help the state's high-tech research and commercialization efforts reach their potential. In case you are not aware of the kinds of research and economic activity that would be supported, it would be for life sciences, alternative energy, advanced automotive manufacturing and materials, homeland security, and defense-critical areas where Michigan can grow and can be a global leader.

So, members, now is the time to act. All Democrats have co-sponsored this legislation. Republican colleagues, it's your opportunity to sign on. I invite your co-sponsorship, and to the Majority Leader and the chair of the committee to whom this resolution and this bill are referred, I urge that the hearing process begin immediately.

Senator Bernero's statement is as follows:

Today I rise with sorrow in my heart to posthumously honor U.S. Army Captain Stephen Frank, and joining me is Senator Gilda Jacobs representing the parents of Captain Frank.

On April 29, 2005, U.S. Army Captain Stephen Frank was on duty with U.S. Army Captain Ralph John Harting III at a checkpoint 30 miles south of Baghdad. As they commenced a vehicle inspection, the driver detonated a bomb, killing both Captain Frank and Captain Harting instantly. Captain Frank was 29 years old; Captain Harting, 28.

Stephen Frank grew up in the Lansing area with his eyes always set on the military. He was a good student who enjoyed sports, music, and writing. He graduated from Haslett High School in 1994, named the most likely to succeed. He went on to the United States Military Academy at West Point in New York, where he graduated in 1998. He was the son of Bill and Sue Frank of Farmington Hills, the brother of Kirsten, Heidi, and Kristina, the husband of Laurel Hayes Frank, and the father of two-year-old Alex.

Tomorrow a memorial service will be held at Fort Irwin in California where he was based. He will then be flown to West Point where he will be buried.

Captain Frank loved the Army and died, according to his father, doing what he was meant to do. He died a hero. We grieve his death, we commend his service, and we honor his memory.

Captain Stephen Frank is the 48th soldier with Michigan ties to die in Iraq since March 2003 and one of 1,581 American soldiers who have given their lives there.

God bless Captain Stephen Frank and provide comfort to his family for their sacrifice.

Senator Cassis' statement is as follows:

I rise in tribute to U.S. Army Captain Ralph John Harting III. Famed General Douglas MacArthur delivered a speech back in 1962 at West Point Military Academy in New York: "The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering these magic words: Duty, Honor, Country."

I rise today with sorry in my heart to honor U.S. Army Captain Ralph Harting III, a Michigan native and a hero of democracy who did not fail his country and who embodied the three-word creed held so dear by those who serve.

Captain Harting soon will be laid to rest on the hallowed ground of West Point where General MacArthur's speech still resonates in the air and inspires those who have come after.

Captain Harting, along with his comrade, U.S. Army Captain Stephen Frank, were on duty and inspecting a vehicle when the vehicle's driver detonated a bomb, killing both soldiers.

Like his friend Captain Frank, John Harting was a good student with a deep, deep love of sports, music, and writing. At the age 5, he took up soccer. Combining fitness with passion, he became a state champion goalkeeper and a member of the Olympic development soccer team. John also played the piano and baritone and sang.

His commitment to excellence was met with acceptance at all four military academies. Choosing West Point, John continued on a path that very few ever walk. He graduated in 1998 with a degree in mechanical engineering and entered military service.

He lived and died fighting for what he believed in. Those who are left behind, his wife, Jennifer; his children, Adeline, Ralph, and Warren; his parents, Ralph and Helen, who reside in West Bloomfield; and us here today now have the opportunity, indeed the responsibility, to continue his legacy of duty, honor, and country.

On behalf of a very grateful nation, we honor his service and offer our gratitude because Captain Harting gave his last full measure of devotion in a cause so much greater than himself. May God bless U.S. Army Captain Ralph John Harting III, and give comfort to his family for the sacrifice they have endured.

And on a separate note, just briefly on Senate Bill No. 329, which passed today. I wanted to say that as a state and as a society, it is so import to support a robust, stable, and expanding economy, and that is what we are doing with supporting young people to become as successful early on as possible. Yes, we are challenging the status quo. We are challenging the status quo to do better for our youngest student. This is not a matter of new money, but directing current dollars to maximize the early learning success.

Committee Reports

The Committee on Commerce and Labor reported

Senate Bill No. 339, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 13e.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, May 3, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Wednesday, May 4, 2005, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C) and Scott

Excused: Senator George

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Wednesday, May 4, 2005, at 11:00 a.m., Room 110, Farnum Building

Present: Senators Hardiman (C), George and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:
Meeting held on Wednesday, May 4, 2005, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:
Meeting held on Wednesday, May 4, 2005, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators McManus (C), Johnson, Jelinek, Barcia and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Wednesday, May 4, 2005, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Brown (C), Stamas and Clarke

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

Community Colleges - Wednesday, May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Tuesday, May 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; Thursdays, May 12, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; May 19, 2:30 p.m., Rooms 402 and 403, Capitol Building; and June 2, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, May 10, May 17, May 24 and May 31, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Fridays, May 6, 10:00 a.m., Grand Valley State University, Kirkhof Center, 2nd Floor, Pere Marquette Room, 1 Campus Drive, Allendale; May 13, 10:00 a.m., Northwood University, NADA Education Center, 4000 Whiting Drive, Midland; and May 20, 10:00 a.m., Eastern Michigan University, Welch Hall, Room 201, 900 W. Cross Street at Summit Street, Ypsilanti (373-1760)

Judiciary and Corrections - Tuesdays, May 10 and May 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Thursday, May 12, 1:30 p.m., and May 19, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesdays, May 11, May 18, May 25 and June 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Judiciary - Tuesday, May 10, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:00 noon.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 10, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

