

No. 93
STATE OF MICHIGAN
Journal of the Senate

93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Thursday, October 20, 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—excused
George—present
Gilbert—present
Goschka—present
Hammerstrom—excused
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Father John Fain of St. Gerard Parish of Lansing offered the following invocation:

Lord, our God, we give You thanks for this great and beautiful state of Michigan. We thank You for its sandy shores, for the richness of its fields, and for the industry of its great people. We ask You to bless these legislators this day with wisdom and vision as they lead and serve the people of the state of Michigan. Give them the humility to collaborate with one another, to work together, and help them to know that at the end of the day, all of this belongs to You. We ask this in Your holy name. Amen.

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

Motions and Communications

Senators Kuipers and Basham entered the Senate Chamber.

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

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

The following communication was received:

Department of State Police

September 30, 2005

Attached is the report required by PA 359 of 2004, Sec. 3. (2), regarding the actual cost of fingerprinting.
If you have any questions, please contact me at (517) 336-6692.

Sincerely,
Jerri A. McClure, Director
Budget and Financial Services Division

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

October 11, 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 2:14 p.m. this date, administrative rule (05-10-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*General Industry Safety Standards, Part 50. Telecommunications,*" effective immediately upon filing with the Secretary of State.

October 12 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:30 a.m. this date, administrative rule (05-10-03) for the Department of Human Services, Director's Office, entitled "*Family and Group Day Care Homes,*" these rules take effect on January 1, 2006.

October 12 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:32 a.m. this date, administrative rule (05-10-04) for the Department of Environmental Quality, Waste and Hazardous Management Division entitled "*Solid Waste Management Part 115,*" these rules take effect 7 days after filing with the Secretary of State.

October 12 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 and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:34.m. this date, administrative rule (05-10-05) for the Department of Labor and Economic Growth, Director’s Office, entitled “*Michigan Elevator Rules*,” these rules take effect 60 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 following communication was received:
 Office of the Auditor General

October 18, 2005

Performance audit of the Accuracy of Prisoner Release Dates, Department of Corrections and Department of Information Technology.

Sincerely,
 Thomas H. McTavish, C.P.A.
 Auditor General

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, October 19:

House Bill Nos. 4789 4792 5183

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, October 19, and are available at the legislative website:

Senate Bill Nos.	810	811	812	813	814														
House Bill Nos.	5298	5299	5300	5301	5302	5303	5304	5305	5306	5307	5308	5309	5310	5311					
	5312	5313	5314	5315	5316	5317	5318	5319	5320	5321	5322	5323	5324	5325					
	5326	5327	5328	5329	5330														
House Joint Resolution																			Q

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Bernero entered the Senate Chamber.

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

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

Senate Bill No. 789

Senate Bill No. 790

House Bill No. 4572

House Bill No. 4573

Senate Bill No. 308

House Bill No. 4133

Senate Bill No. 799

Senate Bill No. 800

House Bill No. 4997

House Bill No. 4998

House Bill No. 4999
House Bill No. 5000
Senate Bill No. 736
House Bill No. 5110
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 789, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

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. 496

Yeas—36

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

Nays—0

Excused—2

Garcia	Hammerstrom
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

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. 497

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer

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

Nays—0

Excused—2

Garcia	Hammerstrom
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4572, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5204a.

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. 498

Yeas—36

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

Nays—0

Excused—2

Garcia	Hammerstrom
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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.

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

“An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; 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. 4573, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19708 (MCL 324.19708), as added by 2002 PA 397.

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. 499

Yeas—36

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

Nays—0

Excused—2

Garcia	Hammerstrom
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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.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the

powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 308, 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 6 (MCL 722.676), as amended by 2003 PA 192.

The question being on the passage of the bill,

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

Roll Call No. 500

Yeas—36

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

Nays—0

Excused—2

Garcia	Hammerstrom
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4133, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1831 (MCL 600.1831), as amended by 1984 PA 29.

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. 501**Yeas—36**

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

Nays—0**Excused—2**

Garcia	Hammerstrom
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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.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 799, 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.

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. 502**Yeas—36**

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

Nays—0**Excused—2**

Garcia

Hammerstrom

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. 800, entitled

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” (MCL 141.1051 to 141.1076) by adding section 16d.

The question being on the passage of the bill,

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

Roll Call No. 503**Yeas—36**

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

Nays—0**Excused—2**

Garcia

Hammerstrom

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4997, entitled

A bill to amend 1996 PA 354, entitled “Savings bank act,” by repealing section 514 (MCL 487.3514).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 504**Yeas—36**

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

Nays—0**Excused—2**

Garcia Hammerstrom

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.

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

“An act to codify the laws relating to savings banks; to provide for incorporation, regulation, supervision, and internal administration of savings banks; to prescribe the rights, powers, and immunities of savings banks; to prescribe the powers and duties of certain state agencies and officials; to provide for remedies; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4998, entitled

A bill to amend 1980 PA 307, entitled “Savings and loan act of 1980,” by repealing section 1135 (MCL 491.1135).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 505**Yeas—36**

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

Nays—0

Excused—2

Garcia

Hammerstrom

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.

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

“An act to revise and codify the laws relating to savings and loan associations; to provide for the incorporation, regulation, supervision, and internal administration of associations; to prescribe the rights, powers, and immunities of associations; to provide for voluntary and involuntary changes in the corporate structure of associations; to prescribe the powers, rights, and duties of certain state agencies in relation to associations; to require certain reports and examinations of associations; to prescribe remedies and penalties for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4999, entitled

A bill to amend 2003 PA 215, entitled “Credit union act,” by repealing section 307 (MCL 490.307).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 506**Yeas—36**

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

Nays—0**Excused—2**

Garcia

Hammerstrom

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5000, entitled

A bill to amend 1999 PA 276, entitled “Banking code of 1999,” by repealing section 4406 (MCL 487.14406).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 507

Yeas—36

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

Nays—0

Excused—2

Garcia	Hammerstrom
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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.

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

“An act to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 736, entitled

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

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. 508**Yeas—36**

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

Nays—0**Excused—2**

Garcia	Hammerstrom
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5110, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2002 PA 696.

The question being on the passage of the bill,

Senator Hardiman offered the following amendments:

1. Amend page 3, line 25, after “period.” by striking out the balance of the subdivision.
2. Amend page 3, line 21, after “residential,” by inserting “day,”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 509**Yeas—36**

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

Nays—0

Excused—2

Garcia

Hammerstrom

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 title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cassis moved that the Committee on Finance be discharged from further consideration of the following bills:

House Bill No. 4972, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

House Bill No. 4980, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

House Bill No. 5097, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

House Bill No. 5096, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

House Bill No. 5098, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 36, 38e, and 71 (MCL 208.3, 208.36, 208.38e, and 208.71), sections 3 and 71 as amended by 1999 PA 115, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding section 79.

House Bill No. 5106, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as added by 2004 PA 173.

House Bill No. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172, and by adding section 5a.

House Bill No. 5108, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, and 36 (MCL 208.4a, 208.31, and 208.36), section 4a as added by 2003 PA 241, section 31 as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284.

House Bill No. 5095, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the 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 bill:

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

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

House Bill No. 4315, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

Substitute (S-1).

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

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

House Bill No. 4316, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive

provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

Substitute (S-1).

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

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

House Bill No. 4317, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 12 (MCL 45.562).

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 proceeded to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 833, entitled

A bill to require certain credit reporting agencies to place security alerts and security freezes on certain consumer credit information; to authorize and limit fees; and to provide remedies.

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

Senator Switalski introduced

Senate Bill No. 834, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 5 (MCL 390.1455), as amended by 2002 PA 586.

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

Senator Switalski introduced

Senate Bill No. 835, entitled

A bill to amend 2002 PA 591, entitled “Michigan nursing scholarship act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 (MCL 390.1181, 390.1182, 390.1183, 390.1184, 390.1185, 390.1186, 390.1187, 390.1188, and 390.1189) and by adding sections 7a and 7b.

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

Senators Brown, Switalski, George, Toy and Birkholz introduced

Senate Bill No. 836, entitled

A bill to establish an educational scholarship program for eligible resident students enrolled in certain nursing faculty programs; to prescribe conditions for repayment of the scholarships; to provide for the administration of the nursing faculty scholarship program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

House Bill No. 4789, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21794.

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. 4792, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155 and 21799a (MCL 333.20155 and 333.21799a), section 20155 as amended by 2001 PA 218 and section 21799a as amended by 2004 PA 189, and by adding section 21753.

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. 5183, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20173a.

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.

Statements

Senators Scott, Cropsey and Thomas 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:

I stand here every day pleading with my colleagues for their support in helping me to do something about the high cost of auto and homeowners insurance in this state. I think it is important for me to clarify a very important point. The stories that I read on the Senate floor from my insurance website are not coming solely from my constituents in Detroit, Highland Park, Hamtramck, Harper Woods, and the Grosse Pointes. Rather, I continue to receive comments from citizens all over the state. This is just a few of those that I have. I just have many and you know I read them to you every day. Since we had the rally, I'm getting all kinds of calls and e-mails, and we're finding out that they're all over the state with these high rates.

We need to take up these bills very, very soon. I continue to receive comments, as I said, from all across the state. I have stories from ratepayers in Senate Districts 28, 10, 15, 23, and 13. These are men and women who are your constituents—citizens of the great state of Michigan who deserve and who expect to see action from their elected officials in Lansing. It has been alluded to that my legislative efforts to help bring down the cost of insurance in this state will only lead to outstate drivers subsidizing those in our urban areas. That is not my intention. I do know that we're subsidizing others.

I believe that rates for all consumers ought to be fair and affordable. I am asking insurance companies to not use the urban rule, suburban divide in an effort to protect their profits. I have evidence, as I have stated to you, in my hand and in my office and from all across this state. I have said it before and I'll say it again, this body has the power and the capability to bring about the desperately needed change to our insurance system that will benefit all of our constituents.

On a side note, I didn't get an apology yesterday, but I'm still looking for it from the Senator from the 12th District.

Senator Cropsey's statement is as follows:

About a decade ago when I was serving in the House of Representatives, I was chairman of the Joint Committee on Administrative Rules. One of the key things that we did as a Legislature on that committee was make sure that the rules were administered properly and that everybody who were involved in setting the rules had a say in what was going on. I'm here today because I'm upset with the way the administration is promulgating rules for 40,000 of the most vulnerable citizens that we have in the state of Michigan.

There are seven sets of proposed Michigan Department of Community Health and Michigan Department of Human Services administrative rules relating to adult foster care homes for the aged licenses that I don't believe should be promulgated for several reasons. Keep in mind that in order to promulgate seven sets of advised administrative rules governing more than 5,000 human service organizations, serving more than 40,000 of the most vulnerable citizens in the state of Michigan, this process should be thorough, methodical, and inclusive. I noticed that the Governor of this state is always talking about inclusion and bringing everybody together.

The Michigan Department of Human Services and the Michigan Department of Community Health have attempted to make vast changes in these rules in just two months' time, despite strong opposition from the stakeholders. To give you an example, the task force that has been meeting—the workgroups that have been meeting—originally were supposed to meet for eight months or longer and come forward with their recommendations in April of next year. This has been truncated to just barely two months, in which they are supposed to come back with their recommendations this last week, on October 13th. Instead of taking eight months, they've tried to shove it into only two months.

There are several problems with these administrative rules, and I hope the administration will listen instead of trying to jam this down our throats. First of all, they give preferential treatment and deeming status to licensees with

collective bargaining agreements and to licensees engaging in collective bargaining activities. They've made this a very political process.

Second of all, the rules impose burdensome and duplicative administrative reporting requirements that divert resources away from direct consumer services—from direct care of the most vulnerable and the most needy people of this state.

Next, many of the proposed rules lack statutory authority or conflict with well-established state laws. For example, the proposed rules deputize the Michigan Department of Human Services to enforce wage- and hour-related matters. Not only is there no statutory authority for this change, but it compromises the Michigan Department of Human Services' ability to focus on real consumer protection issues as opposed to monitoring employment practices.

The other area that I am very troubled about that everybody who is a conservative, everybody who is a liberal, everybody who is concerned about privacy issues should be asking questions of this administration. The proposed rules require mandatory reporting of employees' personal information, including Social Security numbers, addresses, and date of birth. This is in direct conflict with the recently enacted identity theft protection laws.

Senator Thomas' statement is as follows:

I rise to note my concern with the actions taken by the majority today regarding the discharge of the nine bills in the tax package. The Senate is embarking on one of the most important decisions to be made during this Legislature. Our actions could help, or hinder, the state's economic recovery. Our actions could help, or hinder, the institutions that rely upon government funding: our universities, our cities, our communities, and towns.

When the Governor proposed her tax restructuring package, it was vetted and evaluated in every corner of the state except in my home, the state's largest city. I think it is fair to say that the Governor's proposal, which I was proud to sponsor, was the most evaluated and examined bill since I began my service nine and a half years ago. Now, however, we are taking the House proposal to the floor without even a hearing.

I'm very concerned that these highly technical bills will be pushed through the Legislature without having us exercise our authority as the Senate over them. I respectfully disagree with the decision to discharge these bills.

Committee Reports

The Committee on Appropriations reported

House Bill No. 5253, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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, Goschka, 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, October 19, 2005, at 2:15 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 Senior Citizens and Veterans Affairs reported

Senate Bill No. 712, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 303a (MCL 750.303a), as added by 1996 PA 539.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Gilbert, Clark-Coleman and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 764, entitled

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert, Clark-Coleman and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, October 19, 2005, at 1 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 747, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5148, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5149, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 11702, and 11715b (MCL 324.11701, 324.11702, and 324.11715b), sections 11701 and 11702 as amended and section 11715b as added by 2004 PA 381.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, October 18, 2005, at 3:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, October 19, 2005, at 3:00 p.m., Room 210, Farnum Building

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

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

Agriculture, Joint Senate/House - Tuesday, October 25, 9:00 a.m., Room 426, Capitol Building (373-5932)

Higher Education - Wednesday, November 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Judiciary - Tuesday, October 25, 1:00 p.m., Room 210, Farnum Building (373-3760)

Michigan Capitol Committee - Tuesday, November 8, 3:00 p.m., Room 426, Capitol Building (373-0289)

Senate Fiscal Agency Board of Governors - Thursday, October 27, 9:00 a.m., Room S-101, Capitol Building (373-0797)

Transportation - Tuesday, October 25, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:02 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, October 25, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate