

No. 93
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, September 28, 2004.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Barcia—excused
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 Laura M. Toy of the 6th District offered the following invocation:

Heavenly Mother Father God, we humbly ask for Your blessings today as we proceed with the business of this great state on this beautiful fall day. Please grant us the wisdom, courage, and empathy required to make the important decisions that best serve all of Michigan's citizens.

We ask You to keep us ever mindful of our many blessings, particularly the love and support of our family and friends. May we never take them for granted. Please bless and protect our brave men and women serving in the armed forces. May they know that they are on our minds, close to our hearts, and in our prayers.

In the spirit of cooperation and thankfulness, we ask this in Your name. Amen.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:16 a.m.

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

During the recess, Senators Jacobs, McManus, Stamas, Bishop, Johnson, Jelinek, Van Woerkom, Cropsey, Brown, Hardiman, George, Cassis, Sikkema, Kuipers, Allen, Goschka, Garcia and Gilbert entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5771

Senate Bill No. 963

House Bill No. 5473

House Bill No. 5468

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

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

The following communications were received:
Office of the Auditor General

September 21, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Clean Michigan Initiative, Natural Resources Protection Programs, administered by the Department of Natural Resources.

September 24, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Parks and Recreation Bureau, Department of Natural Resources.

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

The communications were referred to the Secretary for record.

The following communications were received:
Family Independence Agency

September 16, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Renewal Report	Eaton County FIA	CP230201103

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Rita Barker at 517-373-7787.

September 16, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Licensing Study	Monroe County FIA		CP580201306
Special Investigation	Woodland Center-W.J. Maxey	2004C0207009	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Rita Barker at 517-373-7787.

Sincerely,
Marianne Udow

The communications were referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2004 through June 30, 2004, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
Appropriations
Banking and Financial Institutions
Commerce and Labor
Economic Development, Small Business and Regulatory Reform
Education
Families and Human Services
Finance
Gaming and Casino Oversight
Government Operations
Health Policy
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Senior Citizens and Veterans Affairs
Technology and Energy
Transportation

Chairperson

Senator Gerald VanWoerkom
Senator Shirley Johnson
Senator Michael Bishop
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bill Hardiman
Senator Nancy Cassis
Senator Jason Allen
Senator Ken Sikkema
Senator Beverly Hammerstrom
Senator Alan Cropsey
Senator Laura Toy
Senator Patricia Birkholz
Senator Laura Toy
Senator Bruce Patterson
Senator Jud Gilbert

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 27, for her approval the following bills:

Enrolled Senate Bill No. 1269 at 11:39 a.m.
Enrolled Senate Bill No. 774 at 11:41 a.m.
Enrolled Senate Bill No. 1069 at 11:43 a.m.
Enrolled Senate Bill No. 1349 at 1:55 p.m.

The Secretary announced that the following official bills were printed on Friday, September 24, and are available at the legislative Web site:

Senate Bill Nos. 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
Senate Bill No. 320
Senate Bill No. 267

The motion prevailed.

The following messages from the Governor were received:

Date: September 22, 2004
Time: 9:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1252 (Public Act No. 328), being

An act to amend 1961 PA 236, entitled “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,” by amending section 2543 (MCL 600.2543), as amended by 1986 PA 308.

(Filed with the Secretary of State on September 23, 2004, at 9:42 a.m.)

Date: September 22, 2004
Time: 1:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 722 (Public Act No. 333), being

An act 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 section 14501 (MCL 324.14501), as amended by 1998 PA 289, and by adding section 14514.

(Filed with the Secretary of State on September 23, 2004, at 9:52 a.m.)

Date: September 22, 2004

Time: 1:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 723 (Public Act No. 334), being

An act 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 section 14513 (MCL 324.14513), as added by 1998 PA 289.

(Filed with the Secretary of State on September 23, 2004, at 9:54 a.m.)

Date: September 22, 2004

Time: 4:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 885 (Public Act No. 337), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 32j (MCL 388.1632j), as added by 2003 PA 158.

(Filed with the Secretary of State on September 23, 2004, at 10:00 a.m.)

Date: September 22, 2004

Time: 4:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1328 (Public Act No. 338), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 224a (MCL 750.224a), as amended by 2002 PA 709.

(Filed with the Secretary of State on September 23, 2004, at 10:02 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

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

Senate Bill No. 757

Senate Bill No. 822

House Bill No. 4206

The motion prevailed.

Senate Bill No. 1323, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 18 (MCL 432.11 and 432.18), section 11 as amended by 2004 PA 272.

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. 674**Yeas—21**

Allen	Clarke	Johnson	Schauer
Basham	Gilbert	Leland	Scott
Bernero	Hammerstrom	McManus	Switalski
Brater	Jacobs	Olshove	Thomas
Cherry	Jelinek	Prusi	Toy
Clark-Coleman			

Nays—15

Birkholz	Cropsey	Hardiman	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brown	George	Patterson	Van Woerkom
Cassis	Goschka	Sanborn	

Excused—1

Barcia

Not Voting—1

Emerson

In The Chair: Birkholz

The Senate agreed to the full title.

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

Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

Substitute (H-1).

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

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

Roll Call No. 675**Yeas—0****Nays—37**

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott

Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

Excused—1

Barcia

Not Voting—0

In The Chair: Birkholz

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

The motion prevailed.

Senator Bishop's statement is as follows:

I rise today—it's a very special day for special tribute to a member of my staff who has elected to leave my legislative office and venture into another endeavor in his life. Scott Breslin has been a hardworking, dedicated, and profoundly loyal member of my staff dating back to the days when I was in the House. He has established himself as an honest, straightforward, and diligent member of my staff who has faithfully resided over many things in my district, very complex things in my district. He has resided over legislative initiatives ranging from venture capital that we did in the body not long ago to the major update in the financial institutions communities that this chamber worked on not too long ago. He has also worked on public policy matters involving financial institutions. We worked on the SPAM legislation together. He helped coordinate all of that with the special interest groups and all the interested parties. He has done an incredible yeoman's job in my office to be supportive; not just my office, but for every member of this caucus and every member of this chamber.

While his presence will be missed in my office, I do wish him the best of luck in his future endeavors. You will see him again very soon. He will be sorely missed without question. I do know this is a great step in the right direction for him, and I want to offer this special tribute to Scott Breslin for everything.

He is very fortunate that I didn't take the time to talk about the other things that I know.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 1384, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," (MCL 780.751 to 780.834) by adding sections 4a, 33b, and 64a.

House Bill No. 5472, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 45 (MCL 552.45).

House Bill No. 5772, entitled

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

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 amendment, the following bill:

House Bill No. 5414, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 2003 PA 33.

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

1. Amend page 7, line 15, after "act." by inserting "**The attorney general shall recover any cost or attorney fees associated with a recovery under this subsection.**".

2. Amend page 7, line 24, after "**plan,**" by striking out "**the individual, and his or her legal counsel shall share pro rata in the proceeds with each receiving 1/3**" and inserting "**and the individual shall share equally in the proceeds**".

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

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

House Bill No. 4766, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21335 and 21735.

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:

House Bill No. 5467, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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:

House Bill No. 5469, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

Substitute (S-1).

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

1. Amend page 2, line 7, after "unless" by striking out "House Bill No. 5467" and inserting "Senate Bill No. 964".

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

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

House Bill No. 5470, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding section 5.

Substitute (S-3).

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

1. Amend page 4, line 23, after "**program**" by inserting a comma and "**the party is incarcerated,**".

2. Amend page 5, line 14, by striking out all of enacting section 2.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5471, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

Substitute (S-2).

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

1. Amend page 1, line 8, by striking out "**as the child's inherent rights and**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5474, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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. 959, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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. 961, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

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. 964, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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. 966, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7a (MCL 722.27a), as amended by 1996 PA 19.

Substitute (S-2).

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

1. Amend page 2, line 12, after "**evidence**" by striking out "**by itself**".

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. 963, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 3 and 4 (MCL 551.103 and 551.104), section 3 as amended by 1984 PA 346.

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:
House Bill No. 5473, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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:
House Bill No. 5468, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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 amendments, the following bill:

House Bill No. 5340, entitled

A bill to amend 2002 PA 440, entitled "An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance," by amending section 6.

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

1. Amend page 3, line 17, after the first "**the**" by inserting "**difference between the**".
2. Amend page 3, line 19, after the first "**property**" by striking out the comma and "**less**" and inserting "**and**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5771, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 11702, 11703, 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11713, 11714, 11715, 11716, 11717, 11718, and 11719 (MCL 324.11701, 324.11702, 324.11703, 324.11704, 324.11705, 324.11706, 324.11707, 324.11708, 324.11709, 324.11710, 324.11711, 324.11712, 324.11713, 324.11714, 324.11715, 324.11716, 324.11717, 324.11718, and 324.11719), sections 11703, 11704, and 11709 as amended by 2004 PA 325, and by adding sections 11715b, 11715d, 11717b, and 11720.

Substitute (S-1).

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

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 1301. As used in this part:

(a) "Application period" means the period beginning when an application for a permit is received by the state and ending when the application is considered to be administratively complete under section 1305 and any applicable fee has been paid.

(b) "Department" means the department, agency, or officer authorized by this act to approve or deny an application for a particular permit.

(c) "Director" means the director of the state department authorized under this act to approve or deny an application for a particular permit or the director's designee.

(d) "Permit" means a permit or operating license required by any of the following sections or by rules promulgated thereunder, or, in the case of section 9112, by an ordinance or resolution adopted thereunder:

- (i) Section 3104, floodplain alteration permit.
- (ii) Section 3503, permit for use of water in mining iron ore.
- (iii) Section 4105, sewerage system construction permit.
- (iv) Section 6516, vehicle testing license.
- (v) Section 6521, motor vehicle fleet testing permit.
- (vi) Section 8310, restricted use pesticide dealer business location license.
- (vii) Section 8504, license to manufacture or distribute fertilizer.
- (viii) Section 9112, local soil erosion and sedimentation control permit.
- (ix) Section 11509, solid waste disposal area construction permit.
- (x) Section 11512, solid waste disposal area operating license.
- (xi) Section 11542, municipal solid waste incinerator ash landfill operating license amendment.
- (xii) Section ~~11703~~ **11702**, septage waste servicing license. ~~(xiii) Section 11704~~, or septage waste vehicle license.
- ~~(xiii) (xiv)~~ Section 11709, septage waste ~~disposal site~~ permit.
- ~~(xiv) (xv)~~ Section 30104, inland lakes and streams project permit.
- ~~(xv) (xvi)~~ Section 30304, state permit for dredging, filling, or other activity in wetland.
- ~~(xvi) (xvii)~~ Section 31509, dam construction, repair, removal permit.
- ~~(xvii) (xviii)~~ Section 32312, flood risk, high risk, or environmental area permit.
- ~~(xviii) (xix)~~ Section 32503, permit for dredging and filling bottomland.
- ~~(xix) (xx)~~ Section 35304, department permit for critical dune area use.
- ~~(xx) (xxi)~~ Section 36505, endangered species permit.
- ~~(xxi) (xxii)~~ Section 41702, game bird hunting preserve license.
- ~~(xxii) (xxiii)~~ Section 42101, dog training area permit.
- ~~(xxiii) (xxiv)~~ Section 42501, fur dealer's license.
- ~~(xxiv) (xxv)~~ Section 42702, game dealer's license.
- ~~(xxv) (xxvi)~~ Section 44513, charter boat operating permit under reciprocal agreement.
- ~~(xxvi) (xxvii)~~ Section 44517, boat livery operating permit.
- ~~(xxvii) (xxviii)~~ Section 45503, permit to take frogs for scientific use.
- ~~(xxviii) (xxix)~~ Section 45902, game fish propagation license.
- ~~(xxix) (xxx)~~ Section 45906, game fish import license.
- ~~(xxx) (xxxi)~~ Section 61525, oil or gas well drilling permit.
- ~~(xxxi) (xxxii)~~ Section 62509, brine, storage, or waste disposal well drilling or conversion permit or test well drilling permit.
- ~~(xxxii) (xxxiii)~~ Section 63103a, metallic mineral mining permit.
- ~~(xxxiii) (xxxiv)~~ Section 63514 or 63525, surface coal mining and reclamation permit or revision of the permit during the term of the permit, respectively.
- ~~(xxxiv) (xxxv)~~ Section 63704, sand dune mining permit.
- ~~(xxxv) (xxxvi)~~ Section 72108, use permits for Michigan trailway.
- ~~(xxxvi) (xxxvii)~~ Section 76109, sunken aircraft or watercraft abandoned property recovery permit.
- ~~(xxxvii) (xxxviii)~~ Section 76504, Mackinac Island motor vehicle and land use permits.
- ~~(xxxviii) (xxxix)~~ Section 80159, buoy or beacon permit.
- (e) "Processing deadline" means the last day of the processing period.
- (f) "Processing period" means the following time period after the close of the application period, for the following permit, as applicable:
 - (i) **Twenty days for a permit under section 61525 or 62509.**
 - (ii) ~~(i)~~ Thirty days for a permit under section 9112.
 - (iii) ~~(ii)~~ Thirty days after the department consults with the underwater salvage and preserve committee created under section 76103, for a permit under section 76109.
 - (iv) ~~(iii)~~ Sixty days, for a permit under section 30104 for a minor project as established by rule under section 30105(6) or for a permit under section 32312.
 - (v) ~~(iv)~~ Sixty days or, if a hearing is held, 90 days for a permit under section 35304.
 - (vi) ~~(v)~~ Sixty days or, if a hearing is held, 120 days for a permit under section 30104, other than a permit for a minor project as established by rule under section 30105(6), or for a permit under section 31509.
 - ~~(vi) Twenty days for a permit under section 61525 or 62509.~~
 - (vii) Ninety days for a permit under section 11512, a revision of a surface coal mining and reclamation permit during the term of the permit under section 63525, or a permit under section 72108.
 - (viii) Ninety days or, if a hearing is held, 150 days for a permit under section 3104, 30304, or 32503.
 - (ix) One hundred and twenty days for a permit under section 11509, 11542, 63103a, 63514, or 63704.

(x) One hundred fifty days for a permit under section 36505. However, if a site inspection or federal approval is required, the 150-day period is tolled pending completion of the inspection or receipt of the federal approval.

(xi) For any other permit, 150 days or, if a hearing is held, 90 days after the hearing, whichever is later.”

2. Amend page 8, line 12, by striking out all of subsection (2) and renumbering the remaining subsection.

3. Amend page 16, line 1, after “in” by striking out the balance of the line through “facility” on line 2 and inserting “a receiving facility service area under an operating plan approved under section 11715b”.

4. Amend page 25, line 22, after “Sec. 11713.” by striking out all of subsection (1) and inserting:

“(1) At any reasonable time, a representative of the department may enter in or upon any private or public property for the purpose of inspecting and investigating conditions relating to compliance with this part. However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.”.

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

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

House Bill No. 6074, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20113, 21506, 21508, 21546, 21548, and 21550 (MCL 324.20113, 324.21506, 324.21508, 324.21546, 324.21548, and 324.21550), section 20113 as amended by 1996 PA 383, sections 21506 and 21508 as amended by 1995 PA 269, sections 21546 and 21548 as amended by 1996 PA 181, and section 21550 as amended by 1995 PA 252, and by adding section 21552; and to repeal acts and parts of acts.

Substitute (S-5).

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. 1081, 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 2 (MCL 225.2).

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. 1148, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43536a (MCL 324.43536a), as amended by 2003 PA 4.

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.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

House Concurrent Resolution No. 67.

A concurrent resolution approving an increase in Total Project Cost, approving the conveyance of property to the State Building Authority, and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Community Health Center for Forensic Psychiatry.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 676**Yeas—35**

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

Nays—1

Cassis

Excused—1

Barcia

Not Voting—1

Emerson

In The Chair: Birkholz

Introduction and Referral of Bills

Senators Kuipers, Van Woerkom and Patterson introduced

Senate Bill No. 1428, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5503 (MCL 324.5503) and by adding section 5515a.

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

Senators Cropsey, Bishop, Schauer, Emerson, Bernero and Brater introduced

Senate Bill No. 1429, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Senators Jacobs, George, Thomas, Cherry and Brater introduced

Senate Bill No. 1430, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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

Senators Jacobs, George, Thomas, Cherry and Brater introduced

Senate Bill No. 1431, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 473a.

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

Senators Patterson, Birkholz, Hardiman, Van Woerkom, Basham, Brater, Sanborn, Leland, Olshove and Garcia introduced

Senate Bill No. 1432, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 312.

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

Senator Birkholz introduced

Senate Bill No. 1433, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Today, I have provided each of you with a copy of an article from the September 16, 2004, edition of the *CNN Money* magazine. The article is entitled "Costliest places to own a car." The very first paragraph of that article says it all. "It costs a whopping \$11,114 a year to keep a new car running in the Motor City, a total of \$44,456 for the first four years of ownership. That makes Detroit the most expensive city in America in which to own a car." You know, some cars don't cost that much.

Further down in the article, it goes on to say, "Insurance accounted for the lion's share of the difference between the costs of having a new car in different U.S. cities." It reports that "Detroiters pay \$4,540 a year for liability, collision, and comprehensive coverage." It notes that in the second most expensive city on the list, which is Los Angeles, California, car owners there pay just \$2,987 for insurance. In Sioux Falls, insurance costs are \$923 per year.

In Los Angeles, insurance costs are over \$1,500 per year less than what residents of Detroit are paying. It is also important to point out that Los Angeles has a population of 3.7 million people.

I am hopeful that each of my esteemed colleagues will take a minute today to read this article. It describes in a nutshell when I stand here each day pleading for help with insurance rates in Detroit. Let's do something to address this very important issue.

Committee Reports

The Committee on Appropriations reported

House Bill No. 5771, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 11702, 11703, 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11713, 11714, 11715, 11716, 11717, 11718, and 11719 (MCL 324.11701, 324.11702, 324.11703, 324.11704, 324.11705, 324.11706, 324.11707, 324.11708, 324.11709, 324.11710, 324.11711, 324.11712, 324.11713, 324.11714, 324.11715, 324.11716, 324.11717, 324.11718, and 324.11719), sections 11703, 11704, and 11709 as amended by 2004 PA 325, and by adding sections 11715b, 11715d, 11717b, and 11720.

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.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4335, entitled

A bill to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license certain persons engaged in boxing; to regulate certain persons connected to the business of boxing and persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4336, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447).

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1321, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 6, line 27, after "of" by striking out the balance of the line through "services" on line 1 of page 7 and inserting "**labor and economic growth**".

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert and Jacobs

Nays: Senator Basham

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, September 22, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Finance reported

Senate Bill No. 1255, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2000 PA 390.

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.

Nancy Cassis

Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, September 22, 2004, at 1:08 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

Senate Bill No. 1386, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2917a.

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.

Alan L. Cropsey

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1387, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2953a.

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.

Alan L. Cropsey

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported
Senate Bill No. 963, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 3 and 4 (MCL 551.103 and 551.104), section 3 as amended by 1984 PA 346.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: Senator Brater

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

The Committee on Judiciary reported
House Bill No. 5473, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: Senator Brater

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

The Committee on Judiciary reported
House Bill No. 5468, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: Senator Brater

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

The Committee on Local, Urban and State Affairs reported
Senate Bill No. 1184, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1999 PA 55.

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, Birkholz, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 517, entitled

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

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

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, September 23, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, September 30, 9:00 a.m., Room 110, Farnum Building (373-1635)

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

Commerce and Labor - Wednesday, September 29, 9:30 a.m., Room 100, Farnum Building (373-2413)

Education - Thursday, September 30, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, September 29, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, September 29, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Legislative Council - Wednesday, September 29, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:32 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, September 29, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate