

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, September 30, 2004.

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—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 Raymond Basham of the 8th District offered the following invocation:

Heavenly Father, we thank You for this day and that we are here safely gathered together. We thank You for Your bountiful goodness. We pray for strength, wisdom, and clarity of thought as we deliberate and consider the issues confronting this great state. We would ask that You guide us in our united effort for the common good.

Bless our soldiers and those who work each day to protect the security and safety of this great state and nation. Keep them in your care.

In Your name I pray. Amen.

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

### Motions and Communications

Senators Sanborn and Bernero entered the Senate Chamber.

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

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

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

The following communication was received:

Office of the Secretary of the Senate

September 29, 2004

This is to notify you that ESB 1062 (community colleges) was returned by the Governor at my request to correct an error in the title that was discovered after presentation to the Governor on September 20, 2004. The title amendment contained in the conference report incorrectly did not include the phrase "to repeal acts and parts of acts." The title was correct in the conference report substitute, and the correct title is necessary for the implementation of the bill.

The Governor has returned the flawed bill, and a corrected bill will be presented to the Governor, which will re-start the constitutional 14 days in which the Governor has to consider the bill.

If you have any questions or concerns, please do not hesitate to contact me.

Carol Morey Viventi, J.D.  
Secretary of the Senate

The communication was referred to the Secretary for record.

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

**House Bill Nos. 5645 6077 6164 6166 6170 6171 6175 6176 6177 6206**  
**House Joint Resolution CC**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 30:

**House Bill Nos. 4358 4703 5537 5833 5920 6062 6085 6127 6168 6169 6172 6173 6174 6226**  
**6227 6230 6231 6234**

The Secretary announced that the following official bills were printed on Wednesday, September 29, and are available at the legislative Web site:

**Senate Bill Nos. 1428 1429 1430 1431 1433**

### 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 message from the Governor was received:

Date: September 29, 2004  
Time: 9:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1244 (Public Act No. 343), being**

An act to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending section 3614 (MCL 700.3614).

(Filed with the Secretary of State on September 29, 2004, at 10:08 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

### Messages from the House

Senators Leland, Clarke and Garcia entered the Senate Chamber.

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.

**House Bill No. 5527, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 1, line 5, by striking out all of line 5 and inserting “year ending September 30, 2004 from the”.
2. Amend page 5, following line 3, following section 152, by inserting:

**“SEC. 155. DEPARTMENT OF TREASURY**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	1,075,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION.....	\$	1,075,000
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues .....		0
Total private revenues .....		0
Total other state restricted revenues.....		1,075,000
State general fund/general purpose .....	\$	0

**(2) GRANTS**

State sports tourism .....	\$	1,075,000
GROSS APPROPRIATION.....	\$	1,075,000
Appropriated from:		
Special revenue funds:		
Convention facility development fund .....		1,075,000
State general fund/general purpose .....	\$	0”

and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 9, following line 4, following section 351, by inserting:

**“FAMILY INDEPENDENCE AGENCY**

Sec. 401. It is the intent of the legislature that the administration’s proposal for the Adrian training school be implemented, except that the W.J. Maxey training school Sequoyah center shall be closed and residents at the Sequoyah center and the male residents at the Adrian training school shall be relocated to alternative public or private facilities or community settings, unless a formal solicitation of bids, in accordance with the Management and Budget Act, 1984 PA 431, from all Michigan private providers of juvenile justice residential services reveals that there is insufficient private sector capacity to comply with this section. The department shall notify the legislature at least 30 days before closing or making any change in the status of a state juvenile justice facility.”.

4. Amend page 9, following line 4, following section 351, by inserting:

“Sec. 500. The unexpended funds appropriated in part 1A to the department of treasury for state sports tourism shall not lapse at the end of the fiscal year and shall be carried over into the succeeding fiscal year and made available for expenditure.”.

5. Amend page 9, following line 4, enacting section 1, after “1.” by inserting “The following sections are repealed: (a)”.

6. Amend page 9, following line 4, enacting section 1, after “the” by striking out “93rd Legislature is repealed.” and inserting “92nd Legislature.

(b) Section 452 of 2003 PA 237.”.

7. Amend page 9, following line 4, following enacting section 1, by inserting:

“Enacting section 2. Section 719 of Enrolled House Bill No. 5516 of the 92nd Legislature is repealed.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 705**

**Yeas—27**

Allen	Cropsey	Jacobs	Schauer
Basham	Emerson	Jelinek	Scott
Birkholz	George	Johnson	Sikkema

Brown  
Cherry  
Clark-Coleman  
Clarke

Gilbert  
Goschka  
Hammerstrom  
Hardiman

Leland  
McManus  
Olshove  
Prusi

Stamas  
Switalski  
Van Woerkom

**Nays—10**

Bernero  
Bishop  
Brater

Cassis  
Garcia  
Kuipers

Patterson  
Sanborn

Thomas  
Toy

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

**House Bill No. 5528, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 10, line 10, after “benefits—” by striking out “796.7” and inserting “803.7”.
2. Amend page 10, line 10, by striking out “37,678,800” and inserting “38,238,300”.
3. Amend page 10, line 15, after “benefits—” by striking out “721.7” and inserting “727.7”.
4. Amend page 10, line 15, by striking out “31,923,700” and inserting “32,403,700”.
5. Amend page 10, line 26, by striking out “71,048,500” and inserting “72,088,500” and adjusting the subtotals, totals, and section 201 accordingly.
6. Amend page 27, line 23, by striking out all of section 370 and inserting:
 

“Sec. 370. The department shall develop a complaint process pertaining to charter service prohibitions that allows written or electronic complaints from private operators of potential violations of 49 CFR, part 604. The department shall maintain records of these complaints and shall forward them in an expeditious manner to the Federal Transit Administration. At the time complaints are forwarded to the Federal Transit Administration, the department shall also notify the relevant eligible authority or eligible governmental agency that a complaint has been received and potential violations have been reported to the Federal Transit Administration. The department shall request an eligible authority or eligible governmental agency respond in writing within 30 days upon notification from the department a complaint has been received. The department shall forward this response to the Federal Transit Administration. The department shall notify the relevant eligible authority or eligible governmental agency and complainant of pertinent information regarding disposal of the complaint by the Federal Transit Administration in an expeditious manner.”.
7. Amend page 30, line 21, after “source” by inserting “without an approved legislative transfer or an enacted supplemental appropriations bill”.
8. Amend page 31, line 7, by striking out all of section 401 and inserting:

“Sec. 401. When the department receives authorization from the federal government to commit transportation funds pursuant to federal appropriations, it shall present to the senate and house of representatives appropriations transportation subcommittees and the senate and house fiscal agencies, the federal amounts and categories authorized and the department’s recommendation for distribution of these funds. If a recommendation or recommendations are not disapproved within 60 business days by either the senate or house of representatives appropriations transportation subcommittee, then the recommendation or recommendations shall be considered as approved. If either the senate or

house of representatives appropriations transportation subcommittee disapproves the proposed distribution, then the senate and house of representatives appropriations transportation subcommittees and the department shall hold a joint meeting to develop a final distribution. If no agreement is reached between the parties, the department's distribution shall stand."

9. Amend page 43, line 1, after "expenses." by inserting "The Detroit Transportation Corporation is not an eligible authority or eligible governmental agency under this act and is not eligible for grants funded from appropriations made in this act."

10. Amend page 45, line 20, by striking out all of section 710.

11. Amend page 46, line 22, by striking out all of subsection (4) and renumbering the remaining subsections.

12. Amend page 49, line 19, after "for" by inserting "lost ridership support and/or".

13. Amend page 50, line 27, after "By" by striking out "January 7, 2005" and inserting "April 1, 2005".

14. Amend page 51, line 5, after "accurate" by inserting "to the best of the director's knowledge".

15. Amend page 52, following line 6, by inserting:

"(8) The department shall ensure that transit agencies have adequate wheelchair lifts available on demand response vehicles to meet the needs of persons with disabilities."

16. Amend page 52, line 7, by striking out all of section 734 and inserting:

"Sec. 734. (1) The department will work to ensure that public transit agencies that receive funds under this act meet the following service performance measures:

(a) Transportation services are efficient, cost-effective, safe, well-maintained, reliable, customer-drive.

(b) Agency provides a quality work environment that fulfills employee performance, productivity, and development standards.

(c) Agency identifies and captures all available funding, creates cost-effective programs to eliminate debt, and maintains a balanced budget.

(d) Agency maintains sufficient local and community funding.

(e) Agency supports business development by providing transportation to areas of employment and commerce, emerging or established businesses, and health care facilities.

(2) The department shall inform agencies of deficiencies meeting these performance measures and shall inform agencies that failure to address deficiencies jeopardizes future state funding.

(3) The department shall report deficiencies noted in meeting performance measures to the House and Senate appropriations subcommittees on transportation and the House and Senate fiscal agencies by April 1, 2005."

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

### Roll Call No. 706

### Yeas—34

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

### Nays—2

Clark-Coleman

Thomas

**Excused—1**

Barcia

**Not Voting—1**

Johnson

In The Chair: President

**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.

The House of Representatives has appointed Reps. Walker, Pumford and Brown as conferees to join with Sens. McManus, Johnson and Prusi.

The bill was referred to the Conference Committee.

**Senate Bill No. 145, entitled**

A bill to amend 1969 PA 296, entitled "An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and parts of acts," by amending sections 1 and 5 (MCL 247.851 and 247.855), section 5 as amended by 1980 PA 12, and by adding section 3a.

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

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

**Senate Bill No. 220, entitled**

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

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

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

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

**Senate Bill No. 657, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 792, entitled**

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-4) ordered that the bill be given immediate effect.

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

**Senate Bill No. 793, entitled**

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

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

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

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

**Senate Bill No. 795, entitled**

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

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5), ordered that it be given immediate effect and amended the title to read as follows:

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

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

**Senate Bill No. 797, entitled**

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

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

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

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

**Senate Bill No. 798, entitled**

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

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

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

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

**Senate Bill No. 803, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 953, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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



**Senate Bill No. 955, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 20, after "of" by striking out "a" and inserting "3".
2. Amend page 3, line 21, after "criminal" by striking out "violation" and inserting "violations".
3. Amend page 3, line 21, after "for" by striking out "a" and inserting "3".
4. Amend page 3, line 22, by striking out "violation" and inserting "violations".
5. Amend page 3, line 24, after "a" by striking out "1-year" and inserting "2-year".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 1120, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

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

**Senate Bill No. 1123, entitled**

A bill to authorize the state administrative board to convey or transfer certain parcels of state owned property in Barry county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

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

**Senate Bill No. 1146, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2003 PA 234.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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. 707****Yeas—36**

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

**Nays—1**

Sanborn

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

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. 1164, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21777 (MCL 333.21777).

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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. 708****Yeas—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			

**Nays—0****Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 1206, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, and 12 (MCL 207.772, 207.773, 207.774, and 207.782), sections 2, 3, and 12 as amended by 2001 PA 217 and section 4 as amended by 2004 PA 60.

The House of Representatives has amended the bill as follows:

1. Amend page 8, following line 3, by inserting:

**"(h) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in July 1993 and the new facility was a model home."**

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 1279, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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. 709**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

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

**Senate Bill No. 1280, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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. 710**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 1281, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74124.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

**Senate Bill No. 1340, entitled**

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending section 19 (MCL 567.239), as amended by 2004 PA 82, and by adding section 11a; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 8, after “published” by striking out “**twice each year**” and inserting “**once every 6 months**”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 711**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

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. 1391, entitled**

A bill to provide for the transfer between state departments of certain state property in Ingham and Clinton counties.

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

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

**Senate Bill No. 1396, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 81.

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

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

A bill to amend 1995 PA 24, entitled "An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2004 PA 81.

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

**House Bill No. 4766, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding sections 21335 and 21735.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 2, line 14, after "shall" by inserting "**have at a minimum an executed written contract for the use of a generator in the event of an interruption of the normal electrical supply until it undergoes any major building modification as provided under subsection (2) and shall**".

2. Amend page 2, line 16, after "site." by inserting "**A copy of the contract shall be provided to the department upon request.**".

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title.

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

**House Bill No. 5118, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 5474c; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 2, line 26, after "**governor**" by striking out the balance of the line through "**governor**" on line 27.

The House of Representatives has concurred in the Senate substitute (S-3) as amended and agreed to the full title.

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

### Conference Reports

#### House Bill No. 5313, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

#### FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

#### House Bill No. 5313, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356, and by adding section 2150a.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 52706. (1) The department, the department of treasury, or other state officer having charge of state land, may sell homestead, tax, swamp, or primary school land to ~~municipalities~~ **a public agency** for forestry purposes, at a price ~~fixed set~~ by the department, department of treasury, or other state officer. However, ~~land shall not be sold in excess of~~ **the amount of land sold shall not exceed** the amount that may be necessary for the ~~municipality~~ **public agency**, and any land that is sold shall be suitable for and used solely for a forestry purpose **unless conveyed as provided in this section.** ~~When the land described in this section~~ **Prime land sold to a public agency under this section shall be used only for a forestry purpose. When the prime land** is no longer used for a forestry purpose, the land shall revert to ~~the this state.~~

(2) Except as provided in subsection (5), the department shall not retain a reversionary interest in municipal forestland conveyed to a public agency under this section before the effective date of the amendatory act that added this subsection. The department shall relinquish any such reversionary interest within 3 years after the effective date of the amendatory act that added this subsection or within 90 days after the department receives a written request for relinquishment from the public agency that owns the municipal forestland subject to the reversionary interest, whichever is earlier. The department shall relinquish its reversionary interest by an instrument approved by the department of attorney general and recorded with the register of deeds of the county where the municipal forestland is located. The instrument shall include provisions implementing subsection (3).

(3) Beginning 4 years after the effective date of the amendatory act that added this subsection, a public agency to which a reversionary interest was relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest unless the conveyance is approved by the department.

(4) A public agency to which a reversionary interest was relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest for less than fair market value. If a public agency to which a reversionary interest was relinquished under subsection (2) conveys the municipal forestland formerly subject to the reversionary interest, the public agency shall distribute the proceeds of the conveyance as follows:

(a) Except as provided in subdivision (b), 50% of the proceeds shall be retained by that public agency and the remaining 50% of the proceeds shall be submitted to the department of treasury for deposit as follows:

(i) The first \$18,000,000.00 in total proceeds from all such conveyances shall be deposited in the general fund.

(ii) Any proceeds in excess of \$18,000,000.00 shall be deposited in the fire protection fund created in section 732a of the Michigan vehicle code, 1949 PA 300, MCL 257.732a.

(b) If the municipal forestland is conveyed to another public agency, all of the proceeds shall be retained by the public agency conveying the municipal forestland.

(5) Subsection (2) does not apply to prime land.

(6) A public agency to which a reversionary interest is relinquished under subsection (2) shall not convey the municipal forestland formerly subject to the reversionary interest to a third person unless the public agency has conducted a public hearing on the proposed conveyance. The public agency may conduct a second public hearing on the proposed conveyance if the public agency determines that a second public hearing may be necessary. Notice of a public hearing under this subsection shall be published at least twice in a newspaper of general

circulation in the county or counties where the municipal forestland is located, not more than 28 or less than 7 days before the hearing. The notice shall describe where the municipal forestland is located, specify the approximate size of the municipal forestland, describe its current use, and identify the person to whom the municipal forestland is proposed to be sold, if known.

(7) The requirements of subsection (6) do not relieve the public agency of any notice, hearing, or other requirements imposed by any other law.

(8) If, before 4 years after the effective date of the amendatory act that added this subsection, municipal forestland formerly subject to a reversionary interest that was relinquished under subsection (2) is conveyed by the public agency to which the reversionary interest was relinquished under subsection (2), the public agency shall notify the department within 60 days of the conveyance. Notice of the conveyance shall be in a form prescribed by the department.

(9) If municipal forestland was conveyed to a public agency under this section and the municipal forestland is subsequently conveyed by the public agency to the department, then, for purposes of subparts 13 and 14 of part 21, the municipal forestland shall not be considered to have been reacquired by the department on or after January 1, 1933 for natural resource purposes unless the municipal forestland was originally acquired by the department on or after January 1, 1933 for natural resource purposes.

(10) As used in this section:

(a) "Municipal forestland" means homestead, tax, swamp, or primary school land sold to a public agency under this section solely for a forestry purpose.

(b) "Prime land" means land that meets 1 or more of the following requirements:

(i) Is within a boundary of a program administered by the department.

(ii) Provides access to a public body of water.

(iii) Is not less than 80 acres in size and, at any time during the preceding 10 years, had a basal area of not less than 90 square feet per acre.

(c) "Public agency" means a school district, public educational institution, governmental unit of this state or agency of this state, or a municipality.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

Mike Pumford  
Bruce Caswell  
Matt Gillard  
Conferees for the House

Michelle McManus  
Ron Jelinek  
Michael Prusi  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

## Roll Call No. 712

## Yeas—33

Allen	Emerson	Jelinek	Sanborn
Basham	Garcia	Johnson	Schauer
Bernero	George	Kuipers	Scott
Bishop	Gilbert	Leland	Sikkema
Brown	Goschka	McManus	Stamas
Cherry	Hammerstrom	Olshove	Switalski



Clark-Coleman  
Clarke  
Cropsey

Hardiman  
Jacobs

Patterson  
Prusi

Thomas  
Van Woerkom

**Nays—4**

Birkholz

Brater

Cassis

Toy

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Stamas 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 with a substitute therefor, the following bill:

**Senate Bill No. 1175, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2003 PA 183.

Substitute (S-1).

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

1. Amend page 4, following line 2, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2005." and renumbering the remaining enacting 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:

**Senate Bill No. 1176, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 395. Substitute (S-2).

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

1. Amend page 6, following line 10, by inserting:

"(b) **Person** means an individual, partnership, corporation, limited liability company, association, educational institution, or other legal or business entity." and relettering the remaining subdivisions.

2. Amend page 6, line 17, after "person" by striking out the balance of the subdivision and inserting a period.

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 amendments, the following bill:

**House Bill No. 5763, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

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

1. Amend page 5, line 9, after "(o)" by striking out "**Real property**" and inserting "**Property**".
2. Amend page 5, line 10, after "**entirety,**" by striking out the balance of the subdivision and inserting "**except that this exemption does not apply with regard to a claim based on a joint debt of the husband and wife.**".
3. Amend page 7, line 23, after "**6023a.**" by striking out "**Real property**" and inserting "**Property**".

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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5347**

**House Bill No. 5336**

**House Bill No. 4335**

**House Bill No. 4336**

**Senate Bill No. 1321**

**Senate Bill No. 1386**

**Senate Bill No. 1387**

**Senate Bill No. 1184**

**Senate Bill No. 517**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5347, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a.

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. 713**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**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, 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5336, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2000 PA 279.

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. 714****Yeas—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			

**Nays—0****Excused—1**

Barcia

**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, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before

trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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 and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain 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 promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 715**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4336, entitled**

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

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. 716**

**Yeas—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			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 717**

**Yeas—24**

Allen	Cropsey	Johnson	Sanborn
Birkholz	George	Leland	Schauer
Bishop	Gilbert	McManus	Sikkema
Cherry	Hammerstrom	Olshove	Thomas

Clark-Coleman  
Clarke

Jacobs  
Jelinek

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—13**

Basham  
Bernero  
Brater  
Brown

Cassis  
Emerson  
Garcia

Goschka  
Hardiman  
Kuipers

Scott  
Stamas  
Switalski

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1321 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

I rise to oppose this bill. This bill would place motorcycle dealers in the Motor Vehicle Sales Finance Act, which is in and of itself not an unreasonable request. The problem lies, and the reason I suspect motorcycle dealers want to be a part of this act, you see, the Motor Vehicle Sales Finance Act allows dealers to collect up to \$160 as a document preparation fee. This fee is not in line with the actual cost of preparing the documents, which is why the Motor Vehicle Sales Finance Act allows for a fee up to \$160, but almost every automobile dealer collects the full \$160.

In spite of the fact that the vast majority of the work is done by a computer just sitting on their desk, document preparation is a cost of doing business, and if the dealer needs to collect more money for the task, that should be a part of the sales price. But if we pass this bill, the dealer can pass the fee off as another instance of state government taking more money out of your pocket. This isn’t a tax increase, Mr. Chair, but your constituents’ invoices will say they are paying a \$160 state fee, and sometimes they can’t tell the difference.

The following bill was read a third time:

**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.

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. 718**

**Yeas—37**

Allen  
Basham  
Bernero  
Birkholz

Clarke  
Cropsey  
Emerson  
Garcia

Jacobs  
Jelinek  
Johnson  
Kuipers

Sanborn  
Schauer  
Scott  
Sikkema

Bishop  
Brater  
Brown  
Cassis  
Cherry  
Clark-Coleman

George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Leland  
McManus  
Olshove  
Patterson  
Prusi

Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Barcia

**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. 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.

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. 719**

**Yeas—37**

Allen  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry  
Clark-Coleman

Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Barcia

**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. 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.

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. 720**

**Yeas—33**

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

**Nays—4**

Cassis	Garcia	Goschka	Kuipers
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**Excused—1**

Barcia

**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. 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.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**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.



The President pro tempore, Senator Birkholz, assumed the Chair.

**House Concurrent Resolution No. 68.**

A concurrent resolution to memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center.

Whereas, Michigan's largest city faces enormous challenges related to the health of its citizens. Difficult economic conditions, including high rates of poverty and uninsured residents, have contributed to a host of serious problems. The health of Detroit's residents is clearly a major concern and a threat to the state's future; and

Whereas, The northeastern region of the city is especially underserved by medical professionals and facilities. The eight-square mile area being targeted for the establishment of a federally qualified health care center has an infant mortality rate that is twice the state's, a lifespan of only 68.5 years, and a rate of uninsured residents over 45 percent; and

Whereas, Advantage Health Centers has proposed to establish the NorthEast Detroit Community Health Center, in partnership with St. John Health, under the United States Health and Human Services Section 330 federally qualified health care center program. This initiative would represent a major step in addressing the significant medical care needs of area residents. The facility seeks to serve 10,450 clients through 26,100 patient encounters annually; and

Whereas, The new community center would provide preventative and primary health care services, including mental health and substance abuse care, as well as access to the full range of the resources of St. John Health. The overall impact of a federally qualified health care center such as this would be substantial not only to the daily lives of the individuals served, but also to the well-being of the metropolitan area; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Clarke and Thomas were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 57.**

A concurrent resolution to memorialize the Congress of the United States to implement a 36 percent federal wagering tax on gross receipts at Native American casinos and to redistribute the revenues to the states of origin.

Whereas, Fairness in taxation is a key to effective public policy and to fostering the faith and trust that are vital to the strength of our system of self-government. Inconsistency in the application of laws, including those assessing taxes, is frustrating to individual citizens, business enterprises of all types and sizes, and local and state governments; and

Whereas, An area of business activity where laws and taxes are applied inconsistently is gaming. The sovereignty of Native American tribes has resulted in a host of different arrangements, even among tribal facilities. There is even greater disparity between the operations of non-Native American gaming facilities and Native American casinos; and

Whereas, While the states, including Michigan, have a very limited capacity to rectify the differences in the treatment of non-Native American and Native American gaming operations, including taxation, the federal government could bring a needed measure of fairness to this situation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to implement a 36 percent federal wagering tax on gross receipts at Native American casinos and to redistribute the revenues to the states of origin; and be it further

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

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Garcia, Goschka, Jelinek, Switalski and Toy were named co-sponsors of the concurrent resolution.

**Senate Concurrent Resolution No. 47.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 94, p. 2025.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Scott, Brater, Jacobs and Johnson 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:

Oftentimes during discussions with my esteemed colleagues here in the Legislature, I will find myself saying, "Take just one day and walk in my shoes." I started thinking about those words and wondered if my true intentions were clearly coming across to the individual or individuals with whom I was speaking to.

As I travel throughout my district attending events and meeting with constituents, I continue to be amazed, and at the same time, uplifted by my hardworking, family-oriented, proud constituents, who, with very little means, are determined to lead a good life. Through blood, sweat, and tears, they provide for themselves and their families. Every day is a challenge as they struggle to keep a roof over their heads, clothes on their backs, and food on the table. They work hard, do not complain, and contrary to what many believe, they do not expect a handout. They simply want what all of us want—the American Dream—to live a happy, rewarding life. But because of economic and other factors, the American Dream does not come readily or easy for many. I believe that my job here in Lansing, serving as the State Senator for the 2nd District, is to help each and every one of my constituents realize that dream. We all deserve to live a good life, and that, my friends, is the very reason why I am here. I want to help them attain that happiness and allow them every opportunity that is available.

The high cost of insurance for my constituents is just one of the many issues that I am working to address. Though it is a significant challenge, I am determined to continue working until we find some resolution. I owe it to the many hardworking people in my district who fight each day for themselves and their families to live the American Dream.

Just last night, I happened to be at the same affair with Maya Angelou and former Council President Erma Henderson, who started fighting over 30 years ago for insurance. I talked to her briefly, and she said, "You know, when I started working on redlining, it certainly was not the kind of rates that are enforced upon us today." So it never got better 30 years ago, and it just keeps getting worse. Now it is time for us to do something about it, and she is hoping that before her time is up and my time is up that we will see some relief.

Senator Brater's statement is as follows:

I rise today sadly to honor and remember Specialist Donald R. McCune II of Chelsea, Ann Arbor, and Ypsilanti. Specialist McCune was injured in Iraq and died of his wounds on August 5th in Germany. He served in the Army National Guard, 1st Battalion, 161st Infantry Regiment, 81st Brigade Combat Unit. He repeatedly sought out extra duty and was volunteering on an extra duty mission when he was fatally injured. He was only 20 years old.

I will be offering a formal memorial tribute to Specialist McCune in November. I have delayed offering this tribute until his family can be present, but I did want to remember Specialist McCune today. As you may have noticed, the boots symbolizing the death of Michigan and other citizens who were killed in Iraq are on the Capitol east steps and east lawn today. I didn't want to let this day go by without recording some formal remarks, but I will have a complete memorial tribute when his family can be present.

Senator Jacobs' statement is as follows:

I would hope that my colleagues could take a moment to go in front of the Capitol today to see the exhibit that the American Friends Service Committee has on the Capitol lawn. I had an opportunity to visit this exhibit when I was in Boston not too long ago. I was very much moved by seeing the boots. It is a sobering and a painful reminder of the enormous loss of life that war brings. It will also serve today as a memorial for those Michigan soldiers who have lost their lives because the representation of their boots will be on the Capitol steps.

I do hope my colleagues can take a moment to stop by and see this very moving exhibit.

Senator Johnson's statement is as follows:

I rise today to honor a couple I have known for probably 32 years. They've spent 53 1/2 beautiful years together, and the two were a more loving people you would ever have known. They both, when they retired, became very active at the Royal Oak Senior Center. One taught crochet and the other taught computer classes. They gave to our community the likes of which you wouldn't believe, and everybody on our city streets loved them dearly. Mike passed away a year and a half ago. Max died a week ago. We loved them dearly.

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senators Stamas and Allen introduced

**Senate Bill No. 1434, entitled**

A bill to allow the state to acquire and convey land in Otsego county.

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

Senators Schauer and George introduced

**Senate Bill No. 1435, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7n (MCL 211.7n), as amended by 1981 PA 212.

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

Senator Switalski introduced

**Senate Bill No. 1436, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

Senator Cropsey introduced

**Senate Bill No. 1437, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6023 and 6027 (MCL 600.6023 and 600.6027), section 6023 as amended by 1998 PA 61.

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

Senators Gilbert, Toy and Goschka introduced

**Senate Bill No. 1438, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding section 9111.

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

Senators Gilbert, Toy and Goschka introduced

**Senate Bill No. 1439, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9105 (MCL 324.9105), as amended by 2000 PA 504.

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

Senator Bishop introduced

**Senate Bill No. 1440, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

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

Senator Bernero introduced

**Senate Bill No. 1441, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIA (MCL 712A.19c), as amended by 2000 PA 46.

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

Senator Schauer introduced

**Senate Bill No. 1442, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIA (MCL 712A.19a), as amended by 2000 PA 46.

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

Senator George introduced

**Senate Bill No. 1443, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 2000 PA 461.

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

Senator Cropsey introduced

**Senate Bill No. 1444, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, and 17d of chapter XIA (MCL 712A.13a, 712A.13b, and 712A.17d), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, and section 17d as added by 1998 PA 480.

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

**House Joint Resolution CC, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 55 to article IV, to prohibit the diversion of the waters of the Great Lakes.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

**House Bill No. 4358, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 724 (MCL 257.719 and 257.724), section 719 as amended by 2003 PA 142 and section 724 as amended by 1988 PA 346, and by adding section 724a.

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

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

**House Bill No. 4703, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12501, 12505, 12506, 12507, 12508, 12509, 12512, 12513, 12514, 12516, 12521, 12527, 12527a, 12528, 12529, and 12532 (MCL 333.12501, 333.12505, 333.12506, 333.12507, 333.12508, 333.12509, 333.12512, 333.12513, 333.12514, 333.12516, 333.12521, 333.12527, 333.12527a, 333.12528, 333.12529, and 333.12532), section 12501 as amended by 1982 PA 525, section 12527 as amended by 1980 PA 522, and sections 12527a and 12532 as amended by 1985 PA 19, and by adding sections 12506a, 12506b, 12510, and 12527b.

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 Appropriations.

**House Bill No. 5537, entitled**

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

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. 5645, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 91 (MCL 53.91).

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

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

**House Bill No. 5833, entitled**

A bill to amend 1941 PA 174, entitled "An act to authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; and to repeal acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 (MCL 555.101, 555.102, 555.103, 555.104, 555.105, 555.106, 555.107, 555.108, 555.109, 555.110, 555.111, 555.112, and 555.113), section 1 as amended by 1984 PA 101 and section 9 as amended by 1986 PA 23, and by adding sections 4a and 5a.

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

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

**House Bill No. 5920, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 8 (MCL 207.218), as amended by 1996 PA 584.

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

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

**House Bill No. 6062, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

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

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

**House Bill No. 6077, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 11, 32b, 44, and 44a (MCL 125.1411, 125.1432b, 125.1444, and 125.1444a), section 11 as amended by 1996 PA 475 and sections 32b, 44, and 44a as amended by 2000 PA 257.

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

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

**House Bill No. 6085, entitled**

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending section 12 (MCL 791.512), as amended by 1989 PA 4.

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

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

**House Bill No. 6127, entitled**

A bill to provide for the establishment of a historical neighborhood tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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 Commerce and Labor.

**House Bill No. 6164, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," (MCL 125.581 to 125.600) by adding section 4g.

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

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

**House Bill No. 6166, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 16i.

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

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

**House Bill No. 6168, entitled**

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

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

**House Bill No. 6169, entitled**

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

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

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

**House Bill No. 6170, entitled**

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

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

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

**House Bill No. 6171, entitled**

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

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

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

**House Bill No. 6172, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

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

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

**House Bill No. 6173, 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.

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

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

**House Bill No. 6174, entitled**

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

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

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

**House Bill No. 6175, entitled**

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

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

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

**House Bill No. 6176, entitled**

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

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

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

**House Bill No. 6177, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539k.

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

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

**House Bill No. 6206, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 16i.

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

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

**House Bill No. 6226, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 303d (MCL 600.303d), as added by 1993 PA 190.

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

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

**House Bill No. 6227, entitled**

A bill to amend 1933 PA 62, entitled "Property tax limitation act," by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

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

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

**House Bill No. 6230, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 1704a (MCL 388.1704a), as amended by 2003 PA 158.

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 Education.

**House Bill No. 6231, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1279 and 1279d (MCL 380.1279 and 380.1279d), section 1279 as amended by 1997 PA 175 and section 1279d as added by 2002 PA 640.

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 Education.

**House Bill No. 6234, entitled**

A bill to require online dating services to conduct criminal background checks or to provide certain notices; and to provide remedies.

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

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

### Committee Reports

The Committee on Transportation reported

**Senate Bill No. 1383, 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 10 (MCL 224.10), as amended by 2003 PA 137.

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.

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Basham

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, September 28, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1329, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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, 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. 6047, entitled**

A bill to amend 2003 PA 226, entitled "Joint municipal planning act," by amending section 5 (MCL 125.135).

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, 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. 5055, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9112 (MCL 324.9112), as amended by 2000 PA 504.

With the recommendation that the bill pass.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, 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, September 28, 2004, at 3:00 p.m., Room 110, Farnum Building  
Present: Senators Birkholz (C), Van Woerkom, Brater and Basham  
Excused: Senator Patterson

**COMMITTEE ATTENDANCE REPORT**

The Committee on Agriculture, Forestry and Tourism submitted the following:  
Meeting held on Thursday, September 23, 2004, at 9:00 a.m., Room 110, Farnum Building  
Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

**Scheduled Meetings**

**Judiciary** - Tuesday, October 5, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Natural Resources and Environmental Affairs** - Wednesday, October 6, 12:00 noon or later immediately following session, Room 424, Capitol Building (373-3447)

**Transportation** - Tuesday, October 5, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:40 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, October 5, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

