

No. 106  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2004

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Senate Chamber, Lansing, Tuesday, December 7, 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—present  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—present  
McManus—present

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

Pastor Ron Burns of New Covenant Christian Church of Delta Township offered the following invocation:

Father in heaven, we do thank You for this day that You have made, and we ask that You will help us to find Your joy in it.

Father, we lift up our nation in this day of difficult remembrance. We are reminded of the cost of freedom, and we do lift up those who are suffering. We lift up the military, and we ask that Your grace and mercy would be upon them wherever they are today.

Father, we thank You for our land, our nation, and this state. We ask that Your destiny would take place. We ask that this would be a land of righteousness and harmony, justice, mercy, and productivity, that honor will go to You.

Father, on this day, we also lift up the enemies of people to live in harmony and peace. We ask that there will be a turning of hearts or a swift justice, that there will be peace in this land and in this world.

Father, we lift up each person who has responsibility of governing and leading in our nation and in our state. We ask that each person would serve You as stewards of that which belongs to You. Father, we lift up every person here and who will serve in this room today. We ask that for each one who is carrying a burden that You don't want them to carry that You will help each of us release that burden to You, knowing that You want to carry it for us. Father, we lift up the families, the marriages, the homes, and the personal lives of each one and ask for Your blessing and Your peace and Your destiny for each person represented here and all the relationships.

Father, we ask that the business that takes place today in this room will honor You, and we give You glory for all this. In the name of Christ our Lord. Amen.

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

### **Motions and Communications**

Senator Hammerstrom moved that Senators McManus and Johnson be temporarily excused from today's session. The motion prevailed.

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

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

Senators Johnson, Birkholz, George and Emerson entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guest of Senator Sanborn admittance to the Senate floor.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### **Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

10:17 a.m.

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

During the recess, Senator Sanborn introduced Michigan State University President Peter McPherson and presented him with a Special Tribute.

President McPherson responded briefly.

During the recess, Senators Sikkema, Garcia and Thomas entered the Senate Chamber.

The following communications were received and read:  
Office of the Senate Majority Leader

December 2, 2004

Pursuant to MCL 390.1532, I am making the following reappointment:  
Midwestern Higher Education Commission  
Senator Mike Goschka, for the term beginning on January 1, 2005.  
If you have any questions please call Bill Sullivan in my office at 373-5180.

December 2, 2004

Pursuant to MCL 397.14, I am reappointing Senator Tom George to the Michigan Library Board of Trustees for a term beginning on January 1, 2005. If you have any questions please feel free to contact Bill Sullivan in my office at 373-5180.

December 2, 2004

Pursuant to MCL 388.1301, I am appointing Senator Wayne Kuipers to serve on the Education Commission of the States. If you have any questions please feel free to contact Bill Sullivan in my office at 373-5180.

Respectfully,  
Ken Sikkema  
Majority Leader

The communications were referred to the Secretary for record.

The following communication was received and read:  
Office of the Senate Majority Leader

December 6, 2004

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committee on House Bill 6029:  
Senator Allen, Senator Kuipers and Senator Schauer

Respectfully yours,  
Ken Sikkema  
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 2:

<b>House Bill Nos.</b>	<b>4975</b>	<b>5294</b>	<b>5295</b>	<b>5308</b>	<b>5312</b>	<b>5409</b>	<b>5493</b>	<b>5510</b>	<b>5715</b>	<b>5790</b>	<b>5873</b>	<b>5944</b>	<b>5989</b>	<b>6181</b>
	<b>6196</b>	<b>6198</b>	<b>6203</b>	<b>6204</b>	<b>6228</b>	<b>6272</b>	<b>6321</b>	<b>6323</b>	<b>6333</b>	<b>6337</b>				

The Secretary announced that the following official bills were printed on Thursday, December 2, and are available at the legislative Web site:

**Senate Bill Nos. 1486 1487 1488**

**House Bill Nos. 6359 6360 6361 6362 6363**

The Secretary announced that the following official bills were printed on Friday, December 3, and are available at the legislative Web site:

**Senate Bill No. 1489**

**House Bill Nos. 6364 6365 6366 6367**

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

**House Bill No. 5551**

**House Bill No. 5724**

**House Bill No. 5725**

**House Bill No. 6036**

**House Bill No. 5726**

**House Bill No. 5668**

**House Bill No. 6245**

**House Bill No. 6102**  
**House Bill No. 6103**  
**House Bill No. 6104**  
**House Bill No. 5205**  
**House Bill No. 4817**  
**House Bill No. 5833**  
**House Bill No. 6284**  
**House Bill No. 6046**  
**House Bill No. 6164**  
**House Bill No. 6166**  
**House Bill No. 6206**  
**House Bill No. 6033**  
**House Bill No. 6020**  
**House Bill No. 5875**  
**House Bill No. 5913**  
**House Bill No. 6242**

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

Senator Hammerstrom moved that the rules be suspended and that the following concurrent resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

**House Concurrent Resolution No. 68**

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

### **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**  
**Senate Bill No. 1063**  
**Senate Bill No. 1066**  
**Senate Bill No. 145**  
**Senate Bill No. 1279**

**Senate Bill No. 953**  
**Senate Bill No. 955**  
The motion prevailed.

The following message from the Governor was received on December 6, 2004, and read:

EXECUTIVE ORDER  
No. 2004-36

**Department of Labor and Economic Growth**

**Council for Labor and Economic Growth**

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

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

WHEREAS, the State of Michigan is committed to preparing both current and future workers for highly-skilled and high-wage jobs;

WHEREAS, the State of Michigan has the responsibility to afford all Michigan citizens the chance to participate in quality employment and training programs;

WHEREAS, the State of Michigan has the responsibility to streamline workforce development programs and to develop a citizen-friendly, performance-oriented delivery system;

WHEREAS, Executive Order 1983-1 established the Michigan Job Training Coordinating Council and was amended by Executive Order 1985-15;

WHEREAS, under Executive Order 1993-3, the Michigan Job Training Coordinating Council was abolished, Executive Orders 1983-1 and 1985-15 were rescinded, and the Governor's Workforce Commission was established;

WHEREAS, under Executive Order 1994-26 a new Governor's Workforce Commission was established and the Governor's Workforce Commission created under Executive Order 1993-3 was abolished;

WHEREAS, the federal Workforce Investment Act of 1998, Public Law 105-220, 29 USC 2801 to 9201, was enacted to provide workforce investment activities that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants to improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation;

WHEREAS, under Section 111 of the federal Workforce Investment Act of 1998, Public Law 105-220, as amended, 29 USC 2821, the Governor must establish a state workforce investment board;

WHEREAS, under Executive Order 2002-5, the Michigan Workforce Investment Board was established and the Governor's Workforce Commission created under Executive Order 1994-26 was abolished;

WHEREAS, changes in the structure of the Michigan Workforce Investment Board created under Executive Order 2002-5 are necessary to reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, changes in the structure of the Michigan Workforce Investment Board will facilitate a statewide policy dialogue involving local workforce boards, universities, community colleges, K-12 schools, and other key stakeholders;

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

**I. DEFINITIONS**

As used in this Order:

A. "Adult" means that term as defined under Section 101(1) of the federal Workforce Investment Act of 1998, 29 USC 2801(1).

B. "Chief Elected Official" means a chief elected executive officer of a Unit of General Local Government in a Local Area, or when the Local Area includes more than one Unit of General Local Government, the individuals designated under a Local Board agreement required under Section 117(c)(1)(B) of the federal Workforce Investment Act of 1998, 29 USC 2832(c)(1)(B).

C. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

D. "Community Based Organization" means a nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

E. "Council" means the Council for Labor and Economic Growth created under this Order.

F. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325,

renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

G. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

H. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

I. "Dislocated Worker" means that term as defined under Section 101(9) of the federal Workforce Investment Act of 1998, 29 USC 2801(9).

J. "Employment and Training Activity" means an activity described in Section 134 of the federal Workforce Investment Act of 1998, 29 USC 2864, that is carried out for an Adult or Dislocated Worker.

K. "Family Independence Agency" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, and renamed the Family Independence Agency under Section 1 of the Social Welfare Act, 1939 PA 280, MCL 400.1.

L. "Labor Federation" means an alliance of 2 or more organized labor unions for the purpose of mutual support and action, including, but not limited to the AFL-CIO state federation, state building and construction trade councils, AFL-CIO central labor councils, and local building and construction trade councils.

M. "Local Area" means a local workforce investment area designated under Section 116 of the federal Workforce Investment Act of 1998, 29 USC 2831.

N. "Local Board" means a local workforce investment board established under Section 117 of the federal Workforce Investment Act of 1998, 29 USC 2832.

O. "State Adjusted Level of Performance" means a level described in clause (iii) or (v) of Section 136(b)(3)(A) of the federal Workforce Investment Act of 1998, 29 USC 2871(b)(3)(A).

P. "State Performance Measure" means a performance measure established under Section 136(b) of the federal Workforce Investment Act of 1998, 29 USC 2871(b).

Q. "Statewide Workforce Investment System" means a system of activities funded under Subtitle B of Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2872, or carried out through a one-stop delivery system described under Section 134(c) of the federal Workforce Investment Act of 1998, 29 USC 2864(c), that receives funding under Subtitle B of Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2872. A "Statewide Workforce Investment System" includes both of the following:

1. Development of linkages in order to assure coordination and non-duplication among the programs and activities described in Section 121(b) of the federal Workforce Investment Act of 1998, 29 USC 2841(b).

2. Review of local plans under the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201.

R. "Michigan Economic Development Corporation" means the public body corporate created under Section 28 of Article VII of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

S. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, transferred to the Department of Management and Budget under Executive Order 1999-1, and transferred to the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

T. "One Stop Partner" means an entity that meets both of the following:

1. Is an entity described under Section 121(b)(1) of the federal Workforce Investment Act of 1998, 29 USC 2941(b)(1).

2. Is an entity participating, with the approval of the Local Board and Chief Elected Official, in the operation of a one-stop delivery system under the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201.

U. "Unit of General Local Government" means a general purpose political subdivision of this state that has the power to levy taxes and spend funds, and that has general corporate and police powers.

V. "Workforce Investment Activity" means the array of activities permitted under Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2940, including Employment and Training Activities and Youth Activities.

W. "Youth Activity" means an activity described under Section 129 of the federal Workforce Investment Act of 1998, 29 USC 2854.

## II. CREATION OF COUNCIL FOR LABOR AND ECONOMIC GROWTH

A. The Council for Labor and Economic Growth is created as an advisory body within the Department of Labor and Economic Growth and shall be the state workforce investment board required for this state under Section 111 of the federal Workforce Investment Act of 1998, 29 USC 2821.

B. The Council shall consist of the members described under Sections II.C to II.G.

C. The Governor shall be a member of the Council, as required under Section 111(b)(1)(A) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(A).

D. As required under Section 111(b)(1)(B) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(B), 2 members of the Michigan House of Representatives shall be appointed members of the Council by the Speaker of the House of Representatives, who serves as the presiding officer of the House of Representatives under Rule 5 of the Rules of the Michigan House of Representatives. A member appointed under this Section II.D shall serve only while a member of the Michigan House of Representatives.

E. As required under Section 111(b)(1)(B) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(B), 2 members of the Michigan Senate shall be appointed members of the Council by the Lieutenant Governor, who serves as the presiding officer of the Michigan Senate under Section 25 of Article V of the Michigan Constitution of 1963 and under Rule 1.101 of the Rules of the Michigan Senate. A member appointed under this Section II.E shall serve only while a member of the Michigan Senate.

F. The following members appointed by the Governor:

1. Not less than 19 individuals representing business in this state, appointed from a list of individuals nominated by state business organizations or business trade associations, and meeting both of the following criteria:

a. The individual is an owner of a business, a chief executive of a business, a chief operating officer of a business, or other business executive or employer with optimum policy making authority or hiring authority, including a member of a Local Board representing business in the Local Area for that board.

b. The individual represents businesses with employment opportunities that reflect the employment opportunities of this state.

2. Not less than 2 Chief Elected Officials.

3. Not less than 4 individuals representing labor organizations who have been nominated by a Labor Federation in this state.

4. Not less than 2 individuals representing individuals and organizations that have experience with respect to Youth Activities.

5. Not less than 2 individuals representing individuals and organizations that have experience and expertise in the delivery of Workforce Investment Activities, including chief executive officers of community colleges and Community Based Organizations within this state. An individual with "expertise in the delivery of Workforce Investment Activities" includes an individual who is an official with a One Stop Partner program and a person with documented expertise relating to the One Stop Partner program.

6. The Governor may appoint additional members to the Council, including, but not limited to, representatives of a One Stop Partner program where no lead state agency has responsibility for the program or state agency officials responsible for economic development, child support, juvenile justice, or rehabilitation programs in this state.

G. The following state officers shall be ex officio, voting members of the Council:

1. The Director of the Department of Community Health.

2. The Director of the Department of Labor and Economic Growth.

3. The Director of the Family Independence Agency.

4. The Superintendent of Public Instruction.

H. As required under Section 111(b)(2) of the federal Workforce Investment Act, 29 USC 2821(b)(2), members of the Council appointed under Sections II.C to II.G that represent organizations, agencies, or other entities shall be individuals with optimum policy making authority within the organizations, agencies, or entities. For purposes of this Section II, an individual with "optimum policy making authority" is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or represents and to commit that entity to a chosen course of action.

I. As required under Section 111(b)(2) of the federal Workforce Investment Act, 29 USC 2821(b)(2), members of the Council appointed under Sections II.C to II.G shall also represent diverse regions of this state, including urban, rural, and suburban areas.

J. As required under Section 111(b)(3) of the federal Workforce Investment Act, 29 USC 2821(b)(3), a majority of the members of the Council shall be members appointed under Section II.F.1.

K. Of the 2 Council members initially appointed by the Speaker of the House of Representatives under Section II.D, 1 member shall be appointed for a term expiring on April 30, 2005, and 1 member shall be appointed for a term expiring on April 30, 2006. Of the 2 Council members initially appointed by the Lieutenant Governor under Section II.E, 1 member shall be appointed for a term expiring on April 30, 2007, and 1 member shall be appointed for a term expiring on April 30, 2008. Of the Council members initially appointed by the Governor under Section II.F, approximately 25% of the members shall be appointed for a term expiring on April 30, 2005, approximately 25% of the members shall be appointed for a term expiring on April 30, 2006, approximately 25% of the members shall be appointed for a term expiring on April 30, 2007, and approximately 25% of the members shall be appointed for a term expiring on April 30, 2008. After the expiration of the initial terms under this Section II.J, Council members shall be appointed for four-year terms expiring on April 30.

L. To encourage coordination and cooperation between the Council and the Michigan Economic Development Corporation, and the more effective alignment of workforce and economic development efforts in this state, not less than 2 of members appointed under Sections II.F.1 to II.F.6 shall also be members of the Executive Committee of the Board of Directors of the Michigan Economic Development Corporation.

M. As required under Section 111(c) of the federal Workforce Investment Act, 29 USC 2821(c), the Governor shall designate from among the members appointed under Section II.F.1 a Chairperson for the Council. The Chairperson shall serve as Chairperson at the pleasure of the Governor.

N. The Governor shall designate from among the members of the Council a Vice-Chairperson who shall serve as Vice Chairperson at the pleasure of the Governor and act as Chairperson of the Council in the absence of the Chairperson.

O. A vacancy on the Council created other than by the expiration of the term of a member of the Council shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member may be reappointed for additional terms.

### **III. CHARGE TO THE COUNCIL**

A. The Council is advisory in nature and shall advise and assist the Governor regarding compliance with the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201 (“Act”) and any regulations issued pursuant to the Act, including, but not limited to, each of the following:

1. The development of a state plan outlining a 5-year strategy for the Statewide Workforce Investment System for this state, as required under Section 112 of the federal Workforce Investment Act of 1998, 29 USC 2822.

2. The development and continuous improvement of a Statewide Workforce Investment System.

3. To the extent required under federal law, commenting at least once annually on any measures taken under Section 113(b)(14) of the federal Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2323(b)(14), or any successor statute.

4. Designation of Local Areas as required under Section 116 of the federal Workforce Investment Act of 1998, 29 USC 2831.

5. Development of allocation formulas for the distribution of funds for Adult Employment and Training Activities and Youth Activities to Local Areas as permitted under Sections 128(b)(3)(B) and 133(b)(3)(B) of the federal Workforce Investment Act of 1998, 29 USC 2853(b)(3)(B) and 2863(b)(3)(B).

6. Development and continuous improvement of comprehensive State Performance Measures, including State Adjusted Levels of Performance to assess the effectiveness of Workforce Investment Activities in this state as required under Section 136(b) of the federal Workforce Investment Act of 1998, 29 USC 2871(b).

7. Preparation of an annual report to the Secretary of the United States Department of Labor, as described in Section 136(d) of the federal Workforce Investment Act of 1998, 29 USC 2871(d).

8. Development of the statewide employment statistics system described under section 15(e) of the federal Wagner-Peyser Act, 20 USC 491-2(e).

9. Development of an application and application process for an incentive grant under Section 503 of the federal Workforce Investment Act of 1998, 20 USC 9273.

B. In addition to complying with the requirements of Section III.A, the Council shall also advise the Governor on broader standards to assess the effectiveness of the broader workforce development efforts that include Michigan universities, community colleges, and K-12 schools, as well as state- and federally-funded workforce development programs.

C. The Council also shall advise the Governor and the Director of the Department of Labor and Economic Growth on the operation of the following programs:

1. The Work First Program, authorized under Section 57f of The Social Welfare Act, 1939 PA 280, MCL 400.57f, or any successor statute.

2. The Food Stamp Employment and Training Program authorized under the Section 6(d) of the federal Food Stamp Act of 1977, 7 USC 2015(d).

3. The North American Free Trade Agreement (NAFTA) Transitional Adjustment Assistance Program authorized under Chapter 2 of Title II of the federal Trade Act of 1974, 19 USC 2271 to 2331.

4. Adult Education Programs and Adult Learning Systems under Sections 107 and 107b of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1707 and MCL 388.1707b, to the extent the programs are authorized under Michigan law.

D. In exercising its duties under this Order, the Council may provide policy advice across workforce areas, including traditional adult workforce development, community colleges, career and technical education, and workforce elements of economic development.

E. As requested by the Governor, the Council shall also advise the Governor and the Department of Labor and Economic Growth regarding policies in workforce development, adult education, career and technical education, community colleges, and the workforce elements of economic development. In exercising its duties under this Order, the Council shall endeavor to develop a unified state policy dialogue involving local workforce boards, universities, community colleges, K-12 schools, and other key stakeholders.

F. The Council shall provide other information, advice, or assistance as requested by the Governor.

### **IV. OPERATIONS OF THE COUNCIL**

A. The Council may promulgate bylaws, not inconsistent with federal law, Michigan law, or this Order, governing its organization, operation, and procedures.



B. The Council shall be staffed by personnel from and assisted by the Department of Labor and Economic Growth. The Michigan Economic Development Corporation may assist the Council in performing its functions if authorized under an agreement between the Michigan Economic Development Corporation and the Department of Labor and Economic Growth or the Michigan Strategic Fund.

C. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council. Meetings of the Council shall be held within the State of Michigan. A member of the Council appointed under Section II.F failing to comply with attendance requirements adopted by the Council shall resign or may be removed from office by the Governor prior to the expiration of his or her term for failure to meet the responsibilities and perform the duties of his or her office.

D. A majority of the members of the Council constitutes a quorum for the transaction of business. The Council shall act by majority vote of serving members participating in a meeting. To the extent authorized by Michigan law, the Council may authorize members to participate in a Council meeting by the use of telephonic or video equipment. Members participating in a meeting via telephonic or video equipment shall be deemed present at the meeting. Voting shall be conducted in person or by use of telephonic or video equipment.

E. The Council may establish committees and subcommittees and request public participation on advisory panels as it deems necessary. The Council may adopt, reject, or modify recommendations made by committees, subcommittees, or advisory panels.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public.

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

H. As required under Section 111(f) of the federal Workforce Investment Act of 1998, 29 USC 2821(f), a member of the Council may not do any of the following:

1. Vote on a matter under consideration by the Council regarding the provision of services by the member or an entity the member represents.

2. Vote on a matter under consideration by the Council that would provide direct financial benefit to the member or the immediate family of the member. As used in this paragraph, "family" means that term as defined under Section 101(15) of the federal Workforce Investment Act of 1998, 29 USC 2801(15).

3. Engage in any other activity determined by the Governor to constitute a conflict of interest, as specified in the state plan outlining a 5-year strategy for the Statewide Workforce Investment System for this state, as required under Section 112 of the federal Workforce Investment Act of 1998, 29 USC 2822.

I. To assure full compliance with the sunshine requirements under Section 111(g) of the federal Workforce Investment Act of 1998, 29 USC 2821(g), meetings of the Council shall be held according to procedures established under the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

J. To assure full compliance with the sunshine requirements under Section 111(g) of the federal Workforce Investment Act of 1998, 29 USC 2821(g), the Council is a public body under, and shall comply with, the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

K. The Council shall adopt bylaws, policies, or procedures necessary for the implementation and enforcement of the requirements under Section IV.H, IV.I, and IV.J.

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

M. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

N. Members of the Council shall refer all legal, legislative, and media contacts to the Department of Labor and Economic Growth.

## **V. RESCISSIONS**

A. The Governor's Workforce Investment Board established under Executive Order 2002-5, MCL 408.101, is abolished. Executive Order 2002-5 is rescinded in its entirety.

B. The Governor's Workforce Commission established under Executive Order 1994-26, MCL 408.48, is abolished.

## **VI. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before any appropriate successor of an entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.  
This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of December in the year of our Lord, two thousand and four.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

### Messages from the House

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

**House Bill No. 4206**

**Senate Bill No. 797**

The motion prevailed.

#### **House Bill No. 6029, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 9 and 11 (MCL 446.209 and 446.211), as amended by 1998 PA 233.

The House of Representatives has nonconcurred in the Senate substitute (S-1) and appointed Reps. Hune, Palsrok and O'Neil as conferees.

The message was referred to the Secretary for record.

#### **Senate Bill No. 220, entitled**

A bill to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-3).

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

#### **Senate Bill No. 657, entitled**

A bill to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The House of Representatives has amended the Senate substitute (S-1) to the House substitute (H-4) as follows:

1. Amend page 7, following line 17, by inserting:

**"(v) The disclosure is requested from an individual to effect, administer or enforce a specific telephonic or other electronic consumer transaction that is not made in person but is requested or authorized by the individual if it is to be used solely to confirm the identity of the individual through a fraud prevention service database. The consumer good or service shall still be provided to the consumer upon verification of his or her identity if he or she refuses to provide his or her social security number but provides other information or documentation that can be used by the person to verify his or her identity. The person may inform the consumer that verification through other means than use of the social security number may cause a delay in providing the service or good to the consumer."**

The House of Representatives has concurred in the Senate substitute (S-1) to the House substitute (H-4) 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 amendment made to the Senate substitute to the House substitute, The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 846****Yeas—35**

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

**Nays—0****Excused—2**

McManus	Olshove
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**Not Voting—1**

Emerson

In The Chair: Birkholz

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

**Senate Bill No. 773, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 145c (MCL 750.145c), as amended by 2002 PA 629.

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. 847****Yeas—36**

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



**Not Voting—5**Clark-Coleman  
Clarke

Emerson

Schauer

Switalski

In The Chair: Sanborn

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. 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 concurred in the Senate amendments to the House substitute (H-4). The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 793, entitled**

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

The House of Representatives has concurred in the Senate amendments to the House substitute (H-3). The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 795, 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 amended the Senate amendments to the House substitute (H-5) as follows:

1. Amend Senate Amendment No. 16, page 7, line 25, after "inserting" by striking out the balance of the amendment and inserting "If the person knowingly violates section 3, an individual may also recover reasonable attorney fees. Except for good cause, not later than 60 days before filing a civil action, an individual must make a written demand to the person for a violation of section 3 for the amount of his or her actual damages with reasonable documentation of the violation and the actual damages caused by the violation. This subsection does not apply to a person for conduct by an employee or agent of the person in violation of a privacy policy created pursuant to section 4 or in compliance with the fair credit reporting act, 15 USC 1681 to 1681v, or subtitle A of title V of the Gramm-Leach-Bliley act, 15 USC 6801 to 6809, if the person has taken reasonable measures to enforce its policy and to correct and prevent the reoccurrence of any known violations."

The House of Representatives has concurred in the Senate amendments to the House substitute (H-5) 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 amendment made to the Senate substitute, The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 849****Yeas—34**

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

**Nays—0****Excused—2**

McManus	Olshove
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**Not Voting—2**

Emerson	Switalski
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In The Chair: Sanborn

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

Senator Schauer moved that Senators Emerson and Switalski be temporarily excused from the balance of today's session.

The motion prevailed.

**Senate Bill No. 798, entitled**

A bill to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

**Senate Bill No. 1384, entitled**

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 14, after "act" by striking out the balance of the enacting section and inserting "takes effect March 1, 2005."

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. 850**

**Yeas—33**

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

**Nays—0**

**Excused—4**

Emerson	McManus	Olshove	Switalski
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**Not Voting—1**

Clarke

In The Chair: Sanborn

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.

**House Bill No. 5467, entitled**

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

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

1. Amend page 4, line 25, after “(1)” by striking out “A” and inserting “**Except as provided in subsection (2), a**”.
2. Amend page 5, line 8, after “**least**” by striking out “**28**” and inserting “**3**”.
3. Amend page 5, line 9, after “**application.**” by inserting “**If a party to a marriage license application complies with section 2a, the county clerk may deliver a marriage license immediately following the application.**”.
4. Amend page 5, line 19, after “October 1,” by striking out “2004” and inserting “2005”.
5. Amend page 5, line 21, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:
  - (a) House Bill No. 5468.
  - (b) House Bill No. 5469.

- (c) House Bill No. 5470.
- (d) House Bill No. 5471.
- (e) House Bill No. 5473.
- (f) House Bill No. 5474.
- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended.  
Pursuant to rule 3.202, the bill was laid over one day.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Brater as Chairperson.

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

**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.

**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.

**House Bill No. 5194, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

**House Bill No. 4969, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57k (MCL 400.57k), as added by 1998 PA 361.

**House Bill No. 5116, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5474b.

**House Bill No. 4586, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2, 7, 7c, and 7j (MCL 722.622, 722.627, 722.627c, and 722.627j), section 2 as amended by 2002 PA 693, section 7 as amended by 2002 PA 661, section 7c as added by 1998 PA 428, and section 7j as added by 2002 PA 716.

**House Bill No. 5724, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 52a.

**House Bill No. 5725, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an



administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 13 (MCL 207.563).

**House Bill No. 5726, entitled**

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5 (MCL 211.905), as amended by 2002 PA 244.

**House Bill No. 6103, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

**House Bill No. 4817, entitled**

A bill to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 41 and 44 (MCL 565.41 and 565.44).

**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.

**House Bill No. 6284, entitled**

A bill to amend 2003 PA 215, entitled “Credit union act,” by amending sections 102, 104, 201, 203, 212, 214, 217, 234, 301, 302, 304, 307, 331, 341, 342, 345, 352, 357, 371, 373, 374, 382, 386, 401, 402, 407, and 423 (MCL 490.102, 490.104, 490.201, 490.203, 490.212, 490.214, 490.217, 490.234, 490.301, 490.302, 490.304, 490.307, 490.331, 490.341, 490.342, 490.345, 490.352, 490.357, 490.371, 490.373, 490.374, 490.382, 490.386, 490.401, 490.402, 490.407, and 490.423).

**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.

**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.

**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.

**House Bill No. 6020, entitled**

A bill to designate Police Officers Memorial Day in the state of Michigan.

**House Bill No. 5875, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

**House Bill No. 6242, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

**House Bill No. 5637, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9141. The bills were placed on the order of Third Reading of Bills.

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

**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 2004 PA 325.

Substitute (S-3).

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

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

**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.

Substitute (S-1).

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

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

**House Bill No. 5870, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 502, 503, 1604, 1609, 1902, 12115, 40114, 40119, 41711, 42506, 42712, 43504, 43546, 43553, 43556, 43557, 43701, 43702, 43703, 43901, 43902, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, 64108, 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78101, 78105, 78110, 78111, 78115, 78503, 79114, 80104, 80115, 80118, 80119, 81101, 81110, 81117, 81119, 81130, 81147, 82101, 82102a, 82106, 82109, 82110, 82111, 82118, 83101, 83103, 83104, and 83106 (MCL 324.301, 324.502, 324.503, 324.1604, 324.1609, 324.1902, 324.12115, 324.40114, 324.40119, 324.41711, 324.42506, 324.42712, 324.43504, 324.43546, 324.43553, 324.43556, 324.43557, 324.43701, 324.43702, 324.43703, 324.43901, 324.43902, 324.43903, 324.44104, 324.44105, 324.44501, 324.44511, 324.44518, 324.45705, 324.45907, 324.47303, 324.47332, 324.48737, 324.48740, 324.64108, 324.71101, 324.71106, 324.71108, 324.74101, 324.74108, 324.74114, 324.74122, 324.78101, 324.78105, 324.78110, 324.78111, 324.78115, 324.78503, 324.79114, 324.80104, 324.80115, 324.80118, 324.80119, 324.81101, 324.81110, 324.81117, 324.81119, 324.81130, 324.81147, 324.82101, 324.82102a, 324.82106, 324.82109, 324.82110, 324.82111, 324.82118, 324.83101, 324.83103, 324.83104, and 324.83106), section 502 as amended by 2002 PA 148, section 503 as amended by 1998 PA 419, sections 1604 and 1609 as added by 1995 PA 60, section 1902 as amended by 2002 PA 52, sections 40114, 40119, 41711, 42712, 43504, 43557, 43901, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, and 64108 as added by 1995 PA 57, section 42506 as amended by 2002 PA 356, sections 43546, 43553, and 43556 as amended by 1996 PA 585, sections 43701, 43702, and 43703 as amended by 2001 PA 50, section 43902 as amended by 2002 PA 55, sections 71101, 71106, 71108, 74108, 74114, 74122, 78105, 78111, 78503, 79114, 80118, 80119, 81110, 81119, 82102a, and 82111 as added by 1995 PA 58, section 74101 as amended by 2004 PA 392, section 78101 as amended by 1998 PA 210, sections 78110 and 78115 as amended by 2003 PA 19, section 80104 as amended by 1997 PA 102, section 80115 as amended by 2003 PA 292, sections 81101, 81117, and 81130 as amended by 2003 PA 111, section 81147 as amended by 1996 PA 175, sections 82101, 82106, and 82109 as amended by 2003 PA 230, section 82110 as amended by 2001 PA 16, section 82118 as amended by 2001 PA 15, and sections 83101, 83103, 83104, and 83106 as added by 1998 PA 418, and by amending the headings to parts 437, 439, and 711 and by adding part 20; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6235, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6243, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as amended by 1997 PA 149, and by adding section 63110 and part 632.

Substitute (S-1).

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

1. Amend page 7, line 26, after "area." by inserting "**However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.**".

2. Amend page 27, line 14, after "possible." by inserting "**However, an investigation or inspection under this subsection shall comply with the United States constitution, the state constitution of 1963, and this section.**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6295, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 222 (MCL 560.222) and by adding section 222a.

Substitute (S-2).

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

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

**House Joint Resolution Z, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5372, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

Substitute (S-1).

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

1. Amend page 3, line 5, by striking out "**shall**" and inserting "**may**".

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 amendment, the following bill:

**House Bill No. 5373, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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

1. Amend page 2, line 21, after "**warrant**" by striking out "**shall**" and inserting "**may**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 4096, entitled**

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931); and to repeal acts and parts of acts.

Substitute (S-1).

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

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

**House Bill No. 5417, entitled**

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by repealing section 14i (MCL 400.14i).

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

1. Amend page 1, line 1, by striking out all of enacting section 1 and inserting:

"Sec. 14i. Section 57f(3)(c), (e), and (f) and section 57g(4), (5), (6), and (7) shall not apply after December 31, ~~2004~~ 2005."

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

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

**House Bill No. 5551, entitled**

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

Substitute (S-1).

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

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

**House Bill No. 6036, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

Substitute (S-1).

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

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

**House Bill No. 5668, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 8, 9, and 11 (MCL 205.422, 205.428, 205.429, and 205.431), sections 2, 8, and 9 as amended by 1997 PA 187.

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

1. Amend page 10, line 5, after "subsection" by striking out the balance of the line through "act," on line 7.

2. Amend page 10, line 9, after "vehicle," by inserting "other than a vehicle owned or operated by a transportation company otherwise transporting tobacco products in compliance with this act,".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6245, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21571. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6102, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20910 (MCL 333.20910), as amended by 2004 PA 200.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6104, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917a. Substitute (S-1).

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

1. Amend page 2, following line 21, by inserting:

**"(5) Recommendations regarding potential funding mechanisms and sources for the statewide trauma care system shall only be submitted to the department for consideration after a unanimous vote of all members of the statewide trauma care advisory subcommittee in support of those recommendations."** and renumbering the remaining subsection.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6046, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 4 (MCL 125.1504), as amended by 1999 PA 245.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6033, entitled**

A bill to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5913, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263). Substitute (S-1).

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

During the Committee of the Whole, Senators Emerson, Switalski and McManus entered the Senate Chamber.

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

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

**House Bill No. 6235**

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

The following bill was announced:

**House Bill No. 4868, entitled**

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

(This bill was read a third time on December 1, amendment adopted and consideration postponed. See Senate Journal No. 104, p. 2273.)

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. 851**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

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

**House Bill No. 5670**

**House Bill No. 6226**

**House Bill No. 6310**

**House Bill No. 6338**

**House Bill No. 6235**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5670, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 24, 41, 42, 45, 45a, 51, and 52 (MCL 24.224, 24.241, 24.242, 24.245, 24.245a, 24.251, and 24.252), sections 24, 41, 42, 45, 45a, and 52 as amended by 2004 PA 23.

The question being on the passage of the bill,

Senator Sikkema offered the following amendment:

1. Amend page 16, following line 3, by inserting:

"Enacting section 1. This amendatory act takes effect January 12, 2005.

Enacting section 2. This amendatory act applies to rules transmitted to the joint committee on administrative rules on or after January 12, 2005. Rules transmitted to the joint committee on administrative rules before January 12, 2005, shall be processed according to the act as it existed before January 12, 2005."

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 852**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

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 provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,".

The Senate agreed to the full title.

The following bill was read a third time:

**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 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. 853**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6310, entitled**

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

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 2, line 26, after "**section**" by striking out "**8(1)**" and inserting "**18(1)**".

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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



**Roll Call No. 854****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6338, entitled**

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

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. 855****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6235, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

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. 856****Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, 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.”.

The Senate agreed to the full title.

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**

**Senate Resolution No. 304**

The motion prevailed.

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

**Senate Resolution No. 306**

The resolution consent calendar was adopted.

Senators Clark-Coleman, Bernero, Basham, Clarke, Bishop, Barcia, Cherry, Kuipers, Thomas, Prusi, Scott, Schauer, Emerson, Garcia, Stamas, Van Woerkom, Johnson, Sanborn, Gilbert, Toy, George, Sikkema, Goschka, Hammerstrom, Cropsey, Birkholz, Patterson, Hardiman, Jelinek, McManus, Jacobs, Leland, Switalski, Allen, Cassis, Brown and Brater offered the following resolution:

**Senate Resolution No. 306.**

A resolution honoring Mr. Dale Glynn, principal of Lansing Everett High School, recipient of our state's High School Principal of the Year award.

Whereas, It is a distinct honor and indeed a momentous privilege to join with staff, students, employers, and everyone to commemorate Mr. Dale Glynn, principal of Everett High School in Lansing, Michigan, for a deserved and earned recognition by the Michigan Association of Secondary School Principals (MASSP) designating him as recipient of our state's High School Principal of the Year award. His elevated devotion, determination, and vision for our youth are exemplary and worthy of this prestigious award; and

Whereas, Mr. Glynn is the type of principal who students, staff, and employers like and trust. It is no wonder that he was nominated by them for this prestigious honor which speaks to the impact and favorable influence he exerts; and

Whereas, Mr. Glynn demonstrates quality leadership skills and humbles himself to do whatever it takes to execute the tasks necessary to ensure the ultimate goal—a quality education for each and every Everett High School student and an incentive to prepare them for life beyond high school; and

Whereas, Under the realm of Mr. Glynn, Everett High School remains the largest high school in the Lansing School District and receives more Schools of Choice requests than any other high school. Lansing is considered an urban district, and while other high schools are experiencing declining enrollments, Everett's student numbers have remained steady; and

Whereas, Mr. Glynn is affectionately known as "Rainbow Man" by staff and students in lieu of his pledge to embrace diversity in the Lansing schools and community. Everett provides a wide range of opportunities for minority students and students of every social and economic background. The evidence of harmonious interaction between students and staff of all ethnicities, and Mr. Glynn's ease of maneuvering between them, prevails upon visitation at Everett High School; and

Whereas, Dale Glynn has been an administrator in the Lansing School District since 1986. He became the principal of Everett High School with the overwhelming support of the staff in 1995. Dale is extremely active in the community and serves on numerous boards, committees, and organizations. Rest assured, however, his heart and soul are focused in attracting businesses and organizations to partner with and expand resources and opportunities for students; and

Whereas, As a result of this MASSP recognition and honor, Dale Glynn will serve as Michigan's representative to the 2005 National Principal of the Year program, jointly sponsored by the National Association of Secondary School Principals and MetLife. MASSP's mission is to improve secondary education in Michigan through leadership, research, and promotion of standards of excellence; now, therefore, be it

Resolved by the Senate, That we hereby honor Mr. Dale Glynn on his esteemed achievement of being named as the 2004 recipient of Michigan's High School Principal of the Year award; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Dale Glynn, Lansing Everett High School principal, as evidence of our support.

#### **House Concurrent Resolution No. 70.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to Constitution Hall.

Whereas, The State of Michigan (the "State") has entered into a Lease with 525 Redeveco, Inc., as Lessor (State Lease No. 10533) for office building construction to State specifications known as Constitution Hall (the "Facility"); and

Whereas, The State has the option anytime after substantial completion to acquire fee title to the Facility by prepaying rent in an amount equal to the Pay Off Balance as defined in said Lease; and

Whereas, The State, acting by and through the Director of the Department of Management and Budget, has given notice of the State's option to acquire the Facility; and

Whereas, The State will transfer title of the Facility to the State Building Authority (the "Authority") and enter into a new lease with the Authority as hereinafter described; and

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

Whereas, The site of Constitution Hall located in Ingham County is currently owned by the State; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for Constitution Hall shall not exceed \$135,000,000 (the Authority share is \$135,000,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$135,000,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be as specified in Exhibit C of the Lease, which amounts have been certified by the appraiser and approved by the Authority and shall hereafter be approved by the State Administrative Board, all as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

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,

The Assistant Secretary of the Senate made the following statement:

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

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 857**

**Yeas—36**

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

**Nays—1**

Bernero

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

Senator Jacobs was named co-sponsor of the concurrent resolution.

Senators Sikkema, Kuipers, Jelinek, Hammerstrom, Johnson, Stamas, Cassis, Patterson, Garcia, Goschka, Cropsey, Sanborn, Birkholz, Gilbert, Bishop, Allen, Toy and Brown offered the following resolution:

**Senate Resolution No. 305.**

A resolution to urge the Governor to appoint an independent team of experts in public finance and budgeting to assess the current financial situation within the Detroit Public Schools and to then work with community leaders within the city of Detroit and the Detroit Public School system to develop a plan to eliminate the current projected budget deficit for the Detroit Public Schools without incurring additional debt.

Whereas, On November 15, 2004, the chief executive officer of the Detroit Public Schools made public the fact that his school system is facing a deficit of approximately \$45 million remaining from last year and may face an even higher deficit—as much as \$150 million—for the current year; and

Whereas, At that same time, the Detroit Public Schools failed to follow state law by filing their annual audit report with the Department of Education by November 15, 2004. When asked to file the audit immediately by state officials, the district filed an audit report that failed to include a management letter. The lack of a complete and thorough audit raises the question of whether the school district is acting in good faith to provide public transparency in its budget process; and

Whereas, Given the extent of the Detroit Public Schools' deficit and the overall negative ramifications to our state's largest school district, immediate actions must be taken. This can only be accomplished through the collaborative efforts of state officials, community leaders, financial experts, and officials familiar with the city and close to the families of the Detroit Public Schools; and

Whereas, The state currently has a law on the books that provides an established, orderly, and expeditious process for dealing with financial situations like the one recently disclosed by the Detroit Public Schools. In fact, 1990 PA 72, the Local Government Fiscal Responsibility Act, has been used to address budget problems in the cities of Flint, Inkster, and Highland Park, and in the Inkster School District. Clearly, this act has been used successfully in the recent past; and

Whereas, 1990 PA 72 does lack an adequate mechanism maximizing the ability of a local community to engage in the decision-making process regarding how to create and implement a specific plan to correct a serious budget problem. The voters of the city of Detroit spoke plainly in the last election when they restored a school board system elected directly by the people. Voters in Detroit are interested in their schools and want to be engaged in the decision-making regarding their schools to a degree beyond that provided in 1990 PA 72; and

Whereas, The Senate finds that it is in the interests of all parties involved that the Governor and the administration be given time to put together, with local officials in Detroit, an alternative process that creates a more collaborative environment for creating a plan to solve the Detroit Public Schools' serious budget problem; now, therefore, be it

Resolved by the Senate, That we urge the Governor to appoint a team of experts in public finance and budgeting to develop a plan to assess the financial situation within the Detroit Public Schools and eliminate the deficit in the Detroit Public Schools without incurring additional debt; and be it further

Resolved, That we urge the Governor to develop a collaborative process in the appointment of the financial team that includes input from the legislature and with officials from the Detroit Public Schools and request that the group formulate its plan within 30 days of its establishment; and be it further

Resolved, That, if a gubernatorial team is not created or is unable to develop a plan to resolve the financial imbalances in the finances of the Detroit Public Schools within 30 days of appointment, it is the intent of this legislative body to invoke provisions of the Local Government Fiscal Responsibility Act, 1990 PA 72, to address directly the district's financial problems; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and to the Superintendent of Public Instruction.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

**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.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 46.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 102, p. 2236.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Hammerstrom moved that joint rule 9 be suspended to permit immediate consideration of the conference report relative to the following bill:

**Senate Bill No. 1105**

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

Senator McManus submitted the following:

**FIRST CONFERENCE REPORT**

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

**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.

Recommends:

First: That the Senate and House 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 sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 2153. (1) ~~The valuation of lands described in section 2152, for the purposes of this subpart, shall be fixed by the state tax commission on or before~~ **For purposes of this subpart, the state tax commission shall determine the valuation of real property described in section 2152 before February 1 of each year, and the state tax commission shall, on or before** **The state tax commission shall determine the valuation of real property as provided in subsection (7).**

(2) **Not later than** February 15 of each year, **the state tax commission shall** make a report to the assessing districts of ~~the this~~ state in which the ~~lands are~~ **real property is** located, giving a description of the ~~land~~ **real property** in the assessing district held by the state ~~with~~ **and** the valuation as fixed by the state tax commission **pursuant to subsection (7).** ~~The~~

(3) **Except as otherwise provided in subsection (7),** the state tax commission shall furnish a ~~value~~ **valuation** to the assessing officers that shall be at the same value as other **real property is** assessed in the assessment district. In fixing the valuation, the state tax commission shall not include improvements made to or placed upon ~~such lands~~ **that real property.**

(4) Upon receipt of the ~~report by~~ **valuation under subsection (3),** the assessing officer, ~~he or she~~ shall enter upon the assessment rolls of each municipality or assessing district the respective descriptions of the ~~lands with~~ **real property and** the fixed ~~value~~ **valuation** and, **except as otherwise provided in subsection (5), shall assess such lands that real property** for the purposes of this subpart at the same rate as other real property in the assessing district. ~~except that adjustment to~~ **A local taxing unit may by resolution permanently exempt that real property from any tax levied by that local taxing unit. As used in this subsection, "local taxing unit" means a city, village, township, county, school district, intermediate school district, community college, authority, or any other entity authorized by law to levy a tax on real property.**

(5) **Except as limited in subsection (6) and as otherwise provided in subsection (7), the assessing officer may adjust the value certified valuation determined** by the state tax commission. ~~may be made by the assessing officer to reflect any general adjustment of assessed valuation from the prior year that is not included in the state tax commission computation.~~ If an adjustment to the ~~value~~ **valuation** certified by the state tax commission is made, the assessing

officer shall certify **all of the following** to the department, not later than the first Wednesday after the first Monday in March: ~~the~~

(a) **The amount and percentage of any general adjustment of assessed valuation ~~and the~~ of property located in the assessing district other than property described in section 2152.**

(b) **The amount and percentage of any change in the assessment roll. ~~the~~**

(c) **The relation of the total valuation to that reported by the state tax commission. ~~and the~~**

(d) **The adjusted total of conservation land.**

(6) **The following shall not be included in an adjustment under subsection (5):**

(a) **Any general adjustment of assessed valuation of property located in the assessing district.**

(b) **Assessments for special improvements. ~~shall not be included.~~**

(c) **Any millage in excess of the millage rate levied in 2004.**

(d) **The tax levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.**

(7) **Property valuations shall be established as follows:**

(a) **For property valuations established under this subpart in 2004, the 2004 valuation shall be the valuation of the property in 2004 through 2008.**

(b) **In 2009 and each year after 2009, the valuation of property shall not increase each year by more than the increase in the immediately preceding year in the general price level or 5%, whichever is less. As used in this subdivision, "general price level" means that term as defined in section 33 of article IX of the state constitution of 1963.**

(c) **If property is acquired after 2004, the initial property valuation determined under this section shall be the valuation for each subsequent year until the next adjustment under subdivision (b) occurs.**

Sec. 2154. (1) The treasurer or other officer charged with the collection of taxes for an assessing district shall **annually forward a single statement of the assessment of all property for which payment is claimed under this subpart** to the Lansing office of the department, ~~which~~ **at the same time that statements are mailed for a winter property tax levy under section 44 of the general property tax act, 1893 PA 206, MCL 211.44. The statement shall include an itemization of the valuation and assessment for each individual parcel for which payment is claimed under this subpart. The Lansing office of the department shall review the statement. ~~and~~ Subject to subsection (2), if the amount of the assessment has been determined according to this subpart, authorize the state treasurer to pay the amount of the assessment by warrant on the state treasury.**

(2) ~~If the amount of the assessment is not paid within the time provided for the payment of property taxes pursuant to the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, interest and penalties may be imposed by the local property tax collecting unit in the same manner provided for delinquent property taxes in Act No. 206 of the Public Acts of 1893. However, interest and penalties shall not be imposed for a tax that is collected in the summer for the first time by a local property tax collecting unit. Beginning in state fiscal year 2005, the aggregate amount for all payments to all assessing districts under subsection (1) shall be charged as follows:~~

(a) **Payments in state fiscal year 2005 shall be charged as follows:**

(i) **Not more than 50% from the restricted revenue sources of the department of natural resources.**

(ii) **The remaining balance after the charge under subparagraph (i) from the general fund.**

(b) **Payments in state fiscal year 2006 and each state fiscal year after 2006 shall be charged as follows:**

(i) **That portion of the payment that represents an assessment by a local school district, intermediate school district, or community college district shall be charged against the state school aid fund established in section 11 of article IX of the state constitution of 1963.**

(ii) **The balance of any payment remaining after the charge made in subparagraph (i) shall be charged as follows:**

(A) **Not more than 50% from restricted revenue sources of the department of natural resources.**

(B) **The remaining balance after the charge under sub-subparagraph (A), from the general fund.**

(3) **For the 2004 state fiscal year and each state fiscal year after 2004, if the amount available for payment to all local assessing districts from the general fund or from any restricted fund is less than the amount required for payment to all local assessing districts from the general fund or from any restricted fund, the amount available for payment to each local assessing district shall be distributed in the same proportion from the general fund or from any restricted fund that the required payment to that local assessing district is to the total of all required payments from the general fund or from any restricted fund. Partial payments do not satisfy payments obligated by this state.**

Second: That the Senate and House 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 sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

Michelle McManus  
Shirley Johnson  
Conferees for the Senate

Howard Walker  
Mike Pumford  
Rich Brown  
Conferees for the House

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. 858****Yeas—21**

Allen	George	Jelinek	Sikkema
Basham	Goschka	Johnson	Switalski
Birkholz	Hammerstrom	Kuipers	Thomas
Brown	Hardiman	McManus	Toy
Cassis	Jacobs	Schauer	Van Woerkom
Cropsey			

**Nays—16**

Barcia	Cherry	Garcia	Prusi
Bernero	Clark-Coleman	Gilbert	Sanborn
Bishop	Clarke	Leland	Scott
Brater	Emerson	Patterson	Stamas

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

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

**House Bill No. 4975, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1135 (MCL 380.1135), as added by 1987 PA 84.

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. 5294, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

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. 5295, entitled**

A bill to amend 1955 PA 224, entitled "An act to regulate sales at public auction; to provide for the issuing of licenses; and to prescribe penalties for violations of the provisions of this act," by amending sections 1, 2, 3, 4, 5, 6, 7, 9, and 10 (MCL 446.51, 446.52, 446.53, 446.54, 446.55, 446.56, 446.57, 446.59, and 446.60) and by adding sections 1a and 5a.

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. 5308, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 176.

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. 5312, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding sections 43540a and 43540c.

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

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

**House Bill No. 5409, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g and 16m of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, and 777.16m), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, and section 16m of chapter XVII as amended by 2001 PA 166.

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. 5493, entitled**

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

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

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

**House Bill No. 5510, entitled**

A bill to make and supplement appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2005; to supplement appropriations for the state transportation department for the fiscal year ending September 30, 2005; to make and supplement appropriations for the department of agriculture and certain other state departments for the fiscal year ending September 30, 2004; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state-officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; 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 Appropriations.

**House Bill No. 5715, entitled**

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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

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

**House Bill No. 5790, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 23, 41, and 43 (MCL 432.23, 432.41, and 432.43), section 23 as amended by 2004 PA 272 and sections 41 and 43 as amended by 1997 PA 72.

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

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

**House Bill No. 5873, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), 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. 5944, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629 (MCL 257.629), as amended by 1988 PA 368.

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. 5989, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

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

**House Bill No. 6181, entitled**

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

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

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

**House Bill No. 6196, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and section 17201 (MCL 324.17201), as added by 2002 PA 578, and by adding section 17205.

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

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

**House Bill No. 6198, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the heading of part 172 and by adding section 17204.

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

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

**House Bill No. 6203, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 16 (MCL 431.316). 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. 6204, entitled**

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710). 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. 6228, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2631 (MCL 600.2631). 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. 6272, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40110 (MCL 324.40110), as added by 1995 PA 57. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Government Operations.

**House Bill No. 6321, entitled**

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending section 4b (MCL 801.4b), as added by 2003 PA 124. 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. 6323, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 26, 28, 30, 59a, and 79 (MCL 38.1026, 38.1028, 38.1030, 38.1059a, and 38.1079), sections 26, 30, and 59a as amended by 2002 PA 97, section 28 as amended by 1981 PA 123, and section 79 as amended by 1998 PA 501. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Government Operations.

**House Bill No. 6333, entitled**

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082). 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. 6337, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Technology and Energy.

### Statements

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

The motion prevailed.

Senator Brown's statement is as follows:

Mr. President, we stand in the shadow of the events of September 11th. A previous generation stood in the shadow of an event similarly unprovoked and perpetrated without warning. The response to both events was the same—unity, resolve, and determination to prevail against the forces of darkness and evil.

In his inaugural address, the first President Bush spoke well when he said, "We know what works. Freedom works." This freedom our founders proclaimed comes not from the halls of government, but from the God who created us. We cherish our liberty as something sacred, ordained by the Creator for all people.

For a generation that rose from the murderous destruction of a day of infamy to prevail against the imperial forces of Japan and the Axis powers, we say thank you with gratitude and respect. Thank you to the greatest generation for defending our freedom and for providing us the opportunity to be here today and to be ourselves guardians of liberty for generations yet born.

Senator Basham's statement is as follows:

I rise to discuss some troubling bit of news I just recently heard. Each year during the holiday season, many of us take the opportunity to remember the gifts that we have been given and to share those gifts with members of the community. This year the Target Corporation informed the Salvation Army that they will no longer allow the Army to stage its annual Kettle Drive outside their Target locations. We're all familiar with the Kettle Drive, where volunteers are posted outside ringing their bells collecting donations for the Salvation Army.

This has become one of the treasured traditions of the holiday season, and it gives us an opportunity to share with those in our communities who are less fortunate. The Salvation Army receives up to 40 percent of its operating budget each year within the annual Kettle Drive collection, and actually, they gross about \$8.8 million from Target locations alone. This is enough revenue to feed 1,000 people for 16 years.

I am extremely disappointed with the Target Corporation. I have drafted a letter to Robert Ulrich, the CEO of Target, on this matter. I would like to thank the members on both sides of the aisle who have signed this letter. I would also like to publicly call on Target to reverse this decision and allow this worthy charity the opportunity to continue its good work this holiday season.

Senator Scott's statement is as follows:

All of us know what insurance is and why we need it. However, I would like to take a couple minutes to share with you a few definitions of the word that I think deserves thoughtful and deliberate consideration: Coverage by a contract binding a party to indemnify another against specified loss in return for premiums paid; a protective measure; the action, process, or means of insuring or the state of being insured usually against loss or damage; a promise of reimbursement in the case of loss; paid to people or companies who are so concerned about hazard that they have made pre-payments to an insurance company; to make sure, certain, or secure.

I think we would all agree that insurance, then, is something that we should not and cannot live without. Sadly, for many individuals in this state, insurance is something that is not possible to attain because of the significant and outlandish costs associated with it. Sure, many of us will complain and grumble when we place our check in the envelope and mail our premiums to our agent, but we do it anyway because we can. We have the ability to pay for it.

To re-state some of the words from the definitions above, we are safe, secure, and protected against hazards that may come our way. Everyone in this state deserves the sense of security and the guaranteed protection that insurance provides. I again ask you to join me in making insurance available, affordable, and a possibility for every citizen.

As I indicated last week, this is the season that we should make sure that everyone has a good quality of life. So again in January when we return, I hope that we will take up some bills dealing with insurance, particularly for those of us who are charged by zip codes in this state.

### Committee Reports

The Committee on Finance reported

**House Bill No. 5551, entitled**

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 2 (MCL 211.182).

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

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**House Bill No. 5724, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 52a. With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 5725, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 13 (MCL 207.563).

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 6036, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

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

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**House Bill No. 5726, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5 (MCL 211.905), as amended by 2002 PA 244.

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, December 1, 2004, at 1:05 p.m., Room 110, Farnum Building

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

The Committee on Commerce and Labor reported

**House Bill No. 5668, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 8, 9, and 11 (MCL 205.422, 205.428, 205.429, and 205.431), sections 2, 8, and 9 as amended by 1997 PA 187.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**House Bill No. 6245, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21571.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

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

The Committee on Health Policy reported

**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.

(For text of resolution, see Senate Journal No. 95, p. 2055.)

With the recommendation that the concurrent resolution be adopted.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Health Policy reported

**House Bill No. 6102, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20910 (MCL 333.20910), as amended by 2004 PA 200.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 6103, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**House Bill No. 6104, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917a.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 5205, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 5408, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 183A.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Bernero

Nays: Senator Jacobs

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, December 1, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs



The Committee on Banking and Financial Institutions reported

**House Bill No. 4817, entitled**

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 41 and 44 (MCL 565.41 and 565.44).

With the recommendation that the bill pass.

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

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**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.

With the recommendation that the bill pass.

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

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**House Bill No. 6284, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," by amending sections 102, 104, 201, 203, 212, 214, 217, 234, 301, 302, 304, 307, 331, 341, 342, 345, 352, 357, 371, 373, 374, 382, 386, 401, 402, 407, and 423 (MCL 490.102, 490.104, 490.201, 490.203, 490.212, 490.214, 490.217, 490.234, 490.301, 490.302, 490.304, 490.307, 490.331, 490.341, 490.342, 490.345, 490.352, 490.357, 490.371, 490.373, 490.374, 490.382, 490.386, 490.401, 490.402, 490.407, and 490.423).

With the recommendation that the bill pass.

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

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, December 2, 2004, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland and Clark-Coleman

Excused: Senator Olshove

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

**House Bill No. 6046, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 4 (MCL 125.1504), as amended by 1999 PA 245.

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.

Alan Sanborn  
Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:  
Meeting held on Thursday, December 2, 2004, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Local, Urban and State Affairs reported

**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.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**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.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**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.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 6033, entitled**

A bill to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Goschka

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**House Bill No. 6020, entitled**

A bill to designate Police Officers Memorial Day in the state of Michigan.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, December 2, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Education reported

**House Bill No. 5875, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**House Bill No. 5913, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263).

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

**House Bill No. 6242, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

With the recommendation that the bill pass.

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, December 2, 2004, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, December 1, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis and Bernero

Excused: Senators Olshove and Leland

#### COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, December 1, 2004, at 3:00 p.m., Room H-252, Capitol Building

Present: Senator Leland

Excused: Senator Goschka

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Joint meeting held on Thursday, December 2, 2004, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

#### Scheduled Meetings

**Commerce and Labor** - Wednesday, December 8, 1:00 p.m., and Thursday, December 9, 9:00 a.m., Room 210, Farnum Building (373-2413)

#### Conference Committees -

**Grandparent Visitation (SB 727)** - Wednesday, December 8, 9:30 a.m., Room 405, Capitol Building (373-7670)

**Pawnbrokers Usage Fee (HB 6029)** - Wednesday, December 8, 9:00 a.m., Room 308, House Office Building (373-5632)

**Government Operations** - Wednesday, December 8, 9:00 a.m., Elijah Myers Room, 2nd Floor, Capitol Building (373-0797)

**Technology and Energy** - Wednesday, December 8, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 1:01 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, December 8, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

