

No. 109
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, December 29, 2004.

11:30 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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

Senator Wayne Kuipers of the 30th District offered the following invocation:

Father, as this year of 2004 draws to a close, we want to pause to give You thanks for the many blessings You have bestowed upon each one of us. We thank You for life and liberty. Thank You for the opportunity You have given each of us to serve in this great building. We thank You for this state, for the blessings that You have provided it, for the beauty of the natural resources.

As we end this legislative session, we want to also give You thanks for safety and travel that each of us has experienced as we go to and from our districts to this place. We know that the decisions made in this building oftentimes carry great weight, and we know that we have not always made the right decisions, but we have done our best and for that we ask that You would continue to bless us as we go forward in a new year and a new legislative session. We ask for Your continued blessings upon each one of us.

We thank You especially today for each of those families in Asia who have experienced a terrible tragedy. We ask that You would comfort those who are mourning and that You would provide healing to those who have been injured. As the nations of this world unite and provide assistance, we pray that assistance will be used to rebuild and to provide hope and opportunity.

Bless us now through this day. Guide and direct each of our steps. We pray in Jesus' name. Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance* and the *Pledge of Allegiance to the Flag of Michigan*.

Motions and Communications

Senators Cassis and Sikkema entered the Senate Chamber.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

November 24, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:21 a.m. this date, administrative rule (04-11-02) for the Department of Community Health, Director's Office entitled "*Pharmacy*," effective 7 days after filing with the Secretary of State.

December 1, 2004

In accordance with the provisions of MCL 24.248 this is to advise you that the Department of Community Health, Legal Division filed at 9:20 a.m. this date, administrative rule (04-12-01E) for the Department of Community Health, Bureau of Epidemiology entitled "*Communicable and Related Diseases*," effective upon filing with the Secretary of State.

December 8, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 4:00 p.m. this date, administrative rule (04-12-02) for the Department of Environmental Quality, Waste and Hazardous Materials Division, entitled "*Hazardous Waste Management*," effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

December 10, 2004

Enclosed is a copy of the following audit report:
Financial audit of the Michigan State Fair and Exposition Center, Department of Agriculture, for the period October 1, 2002 through September 30, 2003.

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

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 14, for her approval the following bills:

Enrolled Senate Bill No. 1386 at 10:05 a.m.
Enrolled Senate Bill No. 1387 at 10:07 a.m.
Enrolled Senate Bill No. 1453 at 10:09 a.m.
Enrolled Senate Bill No. 753 at 10:11 a.m.
Enrolled Senate Bill No. 790 at 10:13 a.m.
Enrolled Senate Bill No. 854 at 10:15 a.m.
Enrolled Senate Bill No. 591 at 10:17 a.m.
Enrolled Senate Bill No. 1076 at 10:19 a.m.
Enrolled Senate Bill No. 1079 at 10:21 a.m.
Enrolled Senate Bill No. 757 at 10:23 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 15, for her approval the following bills:

Enrolled Senate Bill No. 792 at 10:55 a.m.
Enrolled Senate Bill No. 793 at 10:57 a.m.
Enrolled Senate Bill No. 795 at 10:59 a.m.
Enrolled Senate Bill No. 798 at 11:01 a.m.
Enrolled Senate Bill No. 1384 at 11:03 a.m.
Enrolled Senate Bill No. 657 at 11:05 a.m.
Enrolled Senate Bill No. 220 at 11:07 a.m.
Enrolled Senate Bill No. 773 at 11:09 a.m.
Enrolled Senate Bill No. 1329 at 11:11 a.m.
Enrolled Senate Bill No. 1368 at 11:13 a.m.
Enrolled Senate Bill No. 1369 at 11:15 a.m.
Enrolled Senate Bill No. 1448 at 11:17 a.m.

Enrolled Senate Bill No. 184 at 11:19 a.m.
Enrolled Senate Bill No. 1243 at 11:21 a.m.
Enrolled Senate Bill No. 1449 at 12:01 p.m.
Enrolled Senate Bill No. 576 at 12:03 p.m.
Enrolled Senate Bill No. 1130 at 12:05 p.m.
Enrolled Senate Bill No. 1143 at 12:07 p.m.
Enrolled Senate Bill No. 1440 at 12:09 p.m.
Enrolled Senate Bill No. 1441 at 12:11 p.m.
Enrolled Senate Bill No. 1444 at 12:13 p.m.
Enrolled Senate Bill No. 756 at 12:15 p.m.
Enrolled Senate Bill No. 72 at 12:17 p.m.
Enrolled Senate Bill No. 823 at 12:19 p.m.
Enrolled Senate Bill No. 1447 at 12:21 p.m.
Enrolled Senate Bill No. 1450 at 12:23 p.m.
Enrolled Senate Bill No. 517 at 12:25 p.m.
Enrolled Senate Bill No. 1485 at 12:27 p.m.
Enrolled Senate Bill No. 1463 at 12:29 p.m.
Enrolled Senate Bill No. 817 at 12:31 p.m.
Enrolled Senate Bill No. 684 at 12:33 p.m.
Enrolled Senate Bill No. 1185 at 12:35 p.m.
Enrolled Senate Bill No. 1317 at 12:37 p.m.
Enrolled Senate Bill No. 1150 at 12:39 p.m.
Enrolled Senate Bill No. 959 at 12:41 p.m.
Enrolled Senate Bill No. 966 at 12:43 p.m.
Enrolled Senate Bill No. 964 at 12:45 p.m.
Enrolled Senate Bill No. 963 at 12:47 p.m.
Enrolled Senate Bill No. 961 at 12:49 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, December 20, for her approval the following bills:

Enrolled Senate Bill No. 1434 at 2:32 p.m.
Enrolled Senate Bill No. 677 at 2:34 p.m.
Enrolled Senate Bill No. 736 at 2:36 p.m.
Enrolled Senate Bill No. 1075 at 2:38 p.m.
Enrolled Senate Bill No. 1105 at 2:40 p.m.
Enrolled Senate Bill No. 1129 at 2:42 p.m.
Enrolled Senate Bill No. 1171 at 2:44 p.m.
Enrolled Senate Bill No. 1267 at 2:46 p.m.
Enrolled Senate Bill No. 1383 at 2:48 p.m.
Enrolled Senate Bill No. 1432 at 2:50 p.m.
Enrolled Senate Bill No. 1193 at 2:52 p.m.
Enrolled Senate Bill No. 1175 at 2:54 p.m.
Enrolled Senate Bill No. 1176 at 2:56 p.m.
Enrolled Senate Bill No. 1201 at 2:58 p.m.
Enrolled Senate Bill No. 1266 at 3:00 p.m.
Enrolled Senate Bill No. 1287 at 3:02 p.m.
Enrolled Senate Bill No. 1288 at 3:04 p.m.
Enrolled Senate Bill No. 1416 at 3:06 p.m.
Enrolled Senate Bill No. 1458 at 3:08 p.m.
Enrolled Senate Bill No. 231 at 3:10 p.m.
Enrolled Senate Bill No. 683 at 3:12 p.m.
Enrolled Senate Bill No. 685 at 3:14 p.m.
Enrolled Senate Bill No. 686 at 3:16 p.m.
Enrolled Senate Bill No. 735 at 3:18 p.m.
Enrolled Senate Bill No. 925 at 3:20 p.m.
Enrolled Senate Bill No. 1202 at 3:22 p.m.
Enrolled Senate Bill No. 1344 at 3:24 p.m.
Enrolled Senate Bill No. 1464 at 3:26 p.m.
Enrolled Senate Bill No. 850 at 3:28 p.m.

Enrolled Senate Bill No. 851 at 3:30 p.m.
Enrolled Senate Bill No. 1341 at 3:32 p.m.
Enrolled Senate Bill No. 908 at 3:34 p.m.
Enrolled Senate Bill No. 926 at 3:36 p.m.
Enrolled Senate Bill No. 929 at 3:38 p.m.
Enrolled Senate Bill No. 930 at 3:40 p.m.
Enrolled Senate Bill No. 931 at 3:42 p.m.
Enrolled Senate Bill No. 601 at 3:44 p.m.
Enrolled Senate Bill No. 727 at 3:46 p.m.
Enrolled Senate Bill No. 978 at 3:48 p.m.
Enrolled Senate Bill No. 1103 at 3:50 p.m.
Enrolled Senate Bill No. 1148 at 3:52 p.m.
Enrolled Senate Bill No. 1181 at 3:54 p.m.
Enrolled Senate Bill No. 1278 at 3:56 p.m.
Enrolled Senate Bill No. 1319 at 3:58 p.m.
Enrolled Senate Bill No. 1321 at 4:00 p.m.
Enrolled Senate Bill No. 1409 at 4:02 p.m.
Enrolled Senate Bill No. 1465 at 4:04 p.m.
Enrolled Senate Bill No. 1467 at 4:06 p.m.
Enrolled Senate Bill No. 1468 at 4:08 p.m.
Enrolled Senate Bill No. 1469 at 4:10 p.m.
Enrolled Senate Bill No. 1470 at 4:12 p.m.
Enrolled Senate Bill No. 1471 at 4:14 p.m.
Enrolled Senate Bill No. 1472 at 4:16 p.m.
Enrolled Senate Bill No. 1366 at 4:18 p.m.
Enrolled Senate Bill No. 1466 at 4:20 p.m.

The Secretary announced that the following official bill was printed on Thursday, December 9, and is available at the legislative Web site:

House Bill No. 6369

Messages from the Governor

The following messages from the Governor were received:

Date: December 16, 2004

Time: 5:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 184 (Public Act No. 435), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.91 to 205.111) by adding section 4w.

(Filed with the Secretary of State on December 21, 2004, at 3:24 p.m.)

Date: December 16, 2004

Time: 5:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1453 (Public Act No. 430), being

An act to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe

the powers and duties of certain state and local departments, agencies, and officials,” by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), section 6 as amended by 2004 PA 16 and section 8a as amended by 2002 PA 587.

(Filed with the Secretary of State on December 20, 2004, at 1:48 p.m.)

Date: December 21, 2004

Time: 11:07 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 753 (Public Act No. 431), being

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

(Filed with the Secretary of State on December 21, 2004, at 3:16 p.m.)

Date: December 21, 2004

Time: 11:11 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 756 (Public Act No. 433), being

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

(Filed with the Secretary of State on December 21, 2004, at 3:20 p.m.)

Date: December 21, 2004

Time: 11:13 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 757 (Public Act No. 434), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases

and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 5475a.

(Filed with the Secretary of State on December 21, 2004, at 3:22 p.m.)

Date: December 21, 2004

Time: 4:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1243 (Public Act No. 485), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.1100) by adding section 74.

(Filed with the Secretary of State on December 28, 2004, at 10:36 a.m.)

Date: December 21, 2004

Time: 4:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1447 (Public Act No. 484), being

An act to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g, 552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

(Filed with the Secretary of State on December 28, 2004, at 10:34 a.m.)

Date: December 21, 2004

Time: 4:34 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1448 (Public Act No. 483), being

An act to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," (MCL 552.601 to 552.650) by adding section 24b.

(Filed with the Secretary of State on December 28, 2004, at 10:32 a.m.)

Date: December 21, 2004

Time: 4:36 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1449 (Public Act No. 482), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” (MCL 500.100 to 500.8302) by adding section 418.

(Filed with the Secretary of State on December 28, 2004, at 10:30 a.m.)

Date: December 21, 2004

Time: 4:38 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1450 (Public Act No. 481), being

An act to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending section 3705 (MCL 700.3705).

(Filed with the Secretary of State on December 28, 2004, at 10:28 a.m.)

Date: December 21, 2004

Time: 4:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 773 (Public Act No. 478), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution

for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 145c (MCL 750.145c), as amended by 2002 PA 629. (Filed with the Secretary of State on December 28, 2004, at 10:22 a.m.)

Date: December 21, 2004
Time: 4:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1440 (Public Act No. 477), being

An act to amend 1939 PA 288, entitled “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,” by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

(Filed with the Secretary of State on December 28, 2004, at 10:20 a.m.)

Date: December 21, 2004
Time: 4:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1441 (Public Act No. 476), being

An act to amend 1939 PA 288, entitled “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,” by amending section 19c of chapter XIIA, (MCL 712A.19c), as amended by 2000 PA 46.

(Filed with the Secretary of State on December 28, 2004, at 10:18 a.m.)

Date: December 21, 2004
Time: 4:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1444 (Public Act No. 475), being

An act to amend 1939 PA 288, entitled “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,” by amending sections 13a, 13b, 17d, and 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

(Filed with the Secretary of State on December 28, 2004, at 10:16 a.m.)

Date: December 21, 2004
Time: 4:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1386 (Public Act No. 451), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding section 2917a.

(Filed with the Secretary of State on December 28, 2004, at 9:28 a.m.)

Date: December 21, 2004
Time: 5:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1387 (Public Act No. 450), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding section 2953a.

(Filed with the Secretary of State on December 28, 2004, at 9:26 a.m.)

Date: December 22, 2004
Time: 7:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 792 (Public Act No. 452), being

An act 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.

(Filed with the Secretary of State on December 28, 2004, at 9:30 a.m.)

Date: December 22, 2004
Time: 7:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 793 (Public Act No. 453), being

An act 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.

(Filed with the Secretary of State on December 28, 2004, at 9:32 a.m.)

Date: December 22, 2004

Time: 7:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 795 (Public Act No. 454), being

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

(Filed with the Secretary of State on December 28, 2004, at 9:34 a.m.)

Date: December 22, 2004

Time: 7:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 798 (Public Act No. 455), being

An act 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.

(Filed with the Secretary of State on December 28, 2004, at 9:36 a.m.)

Date: December 22, 2004

Time: 7:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1384 (Public Act No. 456), being

An act to amend 1985 PA 87, entitled "An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies," (MCL 780.751 to 780.834) by adding sections 4a, 33b, and 64a.

(Filed with the Secretary of State on December 28, 2004, at 9:38 a.m.)

Date: December 27, 2004

Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 220 (Public Act No. 461), being

An act 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.

(Filed with the Secretary of State on December 28, 2004, at 9:48 a.m.)

Date: December 27, 2004

Time: 9:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 657 (Public Act No. 462), being

An act 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.

(Filed with the Secretary of State on December 28, 2004, at 9:50 a.m.)

Date: December 27, 2004
Time: 9:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 576 (Public Act No. 469), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 20145 and 20161 (MCL 333.20145 and 333.20161), section 20145 as amended by 2002 PA 683 and section 20161 as amended by 2004 PA 393.

(Filed with the Secretary of State on December 28, 2004, at 10:04 a.m.)

Date: December 27, 2004
Time: 9:57 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1130 (Public Act No. 468), being

An act to amend 1978 PA 361, entitled “An act to provide for the control and management of certain state exposition centers and fairgrounds; to create a state exposition center and fairgrounds council; to prescribe its powers and duties; to provide for the appointment of a state exposition center and fairgrounds manager and to prescribe the manager’s powers and duties; to designate the method of financing state exposition centers and fairgrounds; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding sections 15 and 15b.

(Filed with the Secretary of State on December 28, 2004, at 10:02 a.m.)

Date: December 27, 2004
Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1143 (Public Act No. 467), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 2891 (MCL 333.2891), as amended by 2001 PA 31.

(Filed with the Secretary of State on December 28, 2004, at 10:00 a.m.)

Date: December 27, 2004
Time: 10:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1368 (Public Act No. 466), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 175 (MCL 600.175), as added by 2003 PA 78.

(Filed with the Secretary of State on December 28, 2004, at 9:58 a.m.)

Date: December 27, 2004
Time: 10:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1369 (Public Act No. 465), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 151d and 151e (MCL 600.151d and 600.151e), section 151d as added by 2002 PA 740 and section 151e as added by 2002 PA 742.

(Filed with the Secretary of State on December 28, 2004, at 9:56 a.m.)

Date: December 27, 2004
Time: 10:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1485 (Public Act No. 463), being

An act 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 section 10 (MCL 41.810), the title as amended by 1990 PA 102.

(Filed with the Secretary of State on December 28, 2004, at 9:52 a.m.)

Date: December 27, 2004
Time: 2:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1317 (Public Act No. 489), being

An act to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission.

(Filed with the Secretary of State on December 28, 2004, at 10:44 a.m.)

Date: December 27, 2004
Time: 2:32 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 517 (Public Act No. 490), being

An act to amend 1984 PA 427, entitled “An act to provide for a retirement system for municipal and judicial employees; to create a retirement board and to prescribe its powers and duties; to prescribe the powers and duties of certain other state officers and agencies; and to repeal certain acts and parts of acts,” by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 28, 2004, at 10:46 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on December 9, 2004, and read:

EXECUTIVE ORDER
No. 2004-37

Rescission of Executive Order 2004-35

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963, order that Executive Order 2004-35 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th 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 Committee on Government Operations.

The following message from the Governor was received on December 9, 2004, and read:

EXECUTIVE ORDER
No. 2004-38

**Family Independence Agency
Department of Human Services**

Executive Reorganization

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Department of Social Services was created as a principal department of state government by Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550;

WHEREAS, the Department of Social Services was renamed the Family Independence Agency by 1995 PA 223, MCL 400.1;

WHEREAS, the Family Independence Agency is the state's public assistance, child, and family welfare agency focused on protecting children and vulnerable adults, delivering juvenile justice services, and providing support to strengthen families and individuals;

WHEREAS, renaming the Family Independence Agency will more effectively communicate its status as a principal department and its mission focused on the provision of social services for families, children, and other Michigan residents in need;

WHEREAS, it is necessary in the interests of efficient administration and effective government to make changes in the organization of the Executive Branch of state government;

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

A. The Family Independence Agency is renamed the Department of Human Services.

B. Any and all statutory references to the Family Independence Agency or the Department of Social Services shall be deemed references to the Department of Human Services.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order is effective March 15, 2005.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th 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 Committee on Government Operations.

The following messages from the Governor were received and read:

December 14, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 35 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.35:

Michigan Employment Security Board of Review

Ms. Charlotte L. Duncil of 22400 Audrey, Warren, Michigan 48091, county of Macomb, succeeding Julie Petrick, who has resigned, representing employee interests, for a term commencing December 19, 2004 and expiring December 31, 2005.

December 16, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1 of 1963 (2nd Ex Sess) PA 48, MCL 390.551:

Board of Control for Eastern Michigan University

Mr. Thomas W. Sidlik of P.O. Box 7940, Ann Arbor, Michigan 48107, county of Washtenaw, to succeed Michael Morris, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

Mr. Roy E. Wilbanks of 6025 Vista Drive, Ypsilanti, Michigan 48197, county of Washtenaw, to succeed Rosalind E. Griffin, whose term expires December 31, 2004, representing the general public, for a term commencing January 1, 2005 and expiring December 31, 2012.

December 16, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 2 of 1970 PA 35, MCL 390.152:

Board of Control for Oakland University

Ms. Jacqueline S. Long of 6858 Longworth, Waterford, Michigan 48329, county of Oakland, succeeding Dennis Muchmore, whose term has expired, representing the general public, for a term commencing December 16, 2004 and expiring August 11, 2012.

Mr. Henry Baskin of 1220 Trowbridge Road, Bloomfield Hills, Michigan 48034, county of Oakland, reappointed to represent the general public, for a term expiring August 11, 2012.

December 16, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 25 of the State Trunk Line Highway System, 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Mr. David G. Zick of 851 Adams Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Mary Ellen Sheets, whose term has expired, representing the general public, for a term commencing December 16, 2004 and expiring August 4, 2005.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

ENVIRONMENTAL PROTECTION; RECYCLING ADVISORY COUNCIL

ENVIRONMENTAL PROTECTION; OFFICE OF THE
STATEWIDE RECYCLING COORDINATOR

December 28, 2004

Today I have vetoed and return with my objections Enrolled Senate Bills 790 and 854, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

Senate Bill 854 would create an Office of State Recycling Coordinator within the Department of Environmental Quality. Currently one state employee within the Department has such responsibilities. Senate Bill 854 fails to provide any resources to expand that employee's cubicle, let alone fund the creation and operation of an entire new state office devoted to recycling. The Michigan Environmental Council has aptly described this legislation as little more than window dressing.

Senate Bill 790 would require the creation of a new Recycling Advisory Council within the Department of Environmental Quality to study and make recommendations regarding recycling in Michigan. However, a study group was convened last year, and has already made recommendations. In January of 2003, the Senate Majority Leader commissioned a Senate task force to conduct a comprehensive review of Michigan's overall recycling program. In October of 2003 the task force presented its final report, including more than 40 legislative proposals and recommendations, and was praised by the Senate Majority Leader upon receipt. One key finding of the task force, for example, was that the State of Michigan must act to provide a regular source of dedicated funding to further develop and provide long-term support for the state's recycling programs. Despite bi-partisan support, the Michigan Senate has failed to act on this key recommendation.

Michigan does not need yet another study group or a new advisory bureaucracy on recycling. Michigan needs action. That is why I support legislation similar to Senate Bill 721 to provide a stable and long-term source of funding to ensure that all Michigan residents have access to recycling services and reduce our reliance on landfills. I also support expansion of our state's beverage container deposit law along the lines of Senate Bill 174 to include non-carbonated beverage containers.

My message to you and the 93rd Legislature is clear: Let's get to work on real action to encourage recycling in Michigan. Because Senate Bills 790 and 854 represent much hype but no real action, I return the bills without my signature.

Respectfully,
Jennifer M. Granholm
Governor

These bills were returned from the Governor on December 28, 2004, at 10:07 a.m.
Due to the lack of a quorum, the veto message was referred to the Secretary for record.

The following message from the Governor was received and read:

NATURAL RESOURCES; OPERATION OF SNOWMOBILES; ALLOW
ON RIGHT-OF-WAY OF LIMITED ACCESS HIGHWAYS

December 28, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 1329, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bill would permit the operation of snowmobiles on a designated trail within the right-of-way of a limited access highway if the Michigan Department of Transportation and the Department of Natural Resources jointly approve such use.

I recognize the limitations of our existing snowmobile trail system and I support the effort to expand that system and to improve the recreational and economic impact of these trails. The state has been working with local snowmobile groups to address this problem in a safe and sound manner. But we must carefully and comprehensively address not only the appropriateness of allowing snowmobiles to use limited access rights-of-way but also their use on sections of the remaining public highway right-of-way where significant conflicts have been developing between snowmobiles, landowners, and motor vehicles and where public safety is being compromised. Safe travel must be viewed in the context of the entire state system, not just a portion of it.

I am eager to work with the 93rd Michigan Legislature, the Michigan Snowmobile Association, and other interested parties to develop a comprehensive statewide plan and appropriate statutory framework for the safe interaction between snowmobiles and the motoring public.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on December 28, 2004, at 10:07 a.m.
Due to the lack of a quorum, the veto message was referred to the Secretary for record.

The following message from the Governor was received and read:

MENTAL HEALTH CODE; ENTITIES TO HOLD A
MEDICAID SPECIALTY SERVICES CONTRACT

COMMUNITY MENTAL HEALTH; BOARD MEMBERSHIP
ON CERTAIN COMMUNITY MENTAL HEALTH SERVICES BOARD

COMMUNITY MENTAL HEALTH; VOLUNTARY
STATUS AS COMMUNITY MENTAL HEALTH AUTHORITY

December 28, 2004

Today I have vetoed and return with my objections Enrolled Senate Bills 591, 1076 and 1079, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. I do so for several reasons.

First, as I have previously indicated, leaders in Wayne County should be allowed to continue improvements to the county's existing mental health delivery system. Time is of the essence, however: if promised changes are not implemented and the system remains broken, I will consider signing a bill that alters the governance structure for the system in Wayne County. But serious flaws with these bills must be remedied. The bills fail to address the 6-6 impasse that often arises under the current structure. Layering an authority upon the existing mental health bureaucracy alone does nothing to increase accountability or improve service.

Secondly, if any legislative solution is going to be devised, all appropriate stakeholders must be involved. This must include input from cities within the region, the county, users of the system, mental health advocacy organizations, and persons employed by the system to ensure their rights and benefits are not inadvertently affected by changes in governance structure.

Thirdly, I note a technical error in Enrolled Senate Bill 1079. The title of the bill incorrectly indicates that the bill amends Section 232a of the Mental Health Code, "as amended by 2002 PA 597." Section 232a was not amended by that public act. I remind legislators and staff to carefully review the title provisions of legislation. Failure to do so may lead to unnecessary litigation.

Let me be clear: I understand the good intent of these bills. However, signing the bills without addressing the structural deadlock will only perpetuate, and possibly exacerbate, the governance impasse and the failure to deliver mental health services to vulnerable people. Accordingly, I return these bills without signature.

Respectfully,
Jennifer M. Granholm
Governor

These bills were returned from the Governor on December 28, 2004, at 10:08 a.m.
Due to the lack of a quorum, the veto message was referred to the Secretary for record.

The following message from the Governor was received and read:

PROPERTY TAX; PAYMENT AND COLLECTION;
PENALTIES AND INTEREST ON PERSONAL PROPERTY

December 28, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 1185, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. I do so because the bill would undermine a bipartisan effort begun

just last year with widespread support in both the executive and legislative branches to ensure fair, accurate, and complete reporting of property tax obligations.

Taxes are the investment we in Michigan make to educate our children, provide healthcare for more than a million people, and protect our families and our neighbors. Whether intentional or not, when an individual or a business underreports personal property or wrongfully claims a homestead exemption, it is unfair to taxpayers who work hard and play by the rules. Senate Bill 1185 undermines necessary incentives to ensure that taxpayers pay what is owed and to penalize those that do not.

Because enactment of this bill would send the wrong message to the Michigan businesses and hardworking individuals who pay their taxes on time and in full, I return Enrolled Senate Bill 1185 without signature.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on December 28, 2004, at 10:07 a.m.

Due to the lack of a quorum, the veto message was referred to the Secretary for record.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:40 a.m.

11:59 a.m.

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

Messages from the House

The following message was received and read:

December 29, 2004

I herewith return to the Senate the following Senate Bills and Senate Concurrent Resolutions which failed of passage or adoption by the House of Representatives:

Senate Bill Nos.	1	6	46	47	50	98	99	111	123	136	143	146	157	179
	183	193	214	215	222	240	255	271	294	357	366	367	372	379
	380	381	382	383	384	433	436	437	438	440	441	443	445	446
	450	451	465	467	468	472	490	491	492	505	510	532	533	544
	545	546	547	548	549	550	551	552	568	581	582	629	712	744
	755	794	803	808	809	827	833	836	847	853	855	857	858	860
	861	862	864	866	868	870	871	882	944	1081	1095	1100	1107	1114
	1115	1133	1141	1184	1203	1241	1270	1285	1289	1293	1376	1442		
Senate Concurrent Resolution Nos.				10	16	18	21	24	25	29	30	33	35	37
				43										

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

Senate Concurrent Resolution No. 48.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 108, p. 2504.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

The following message was received and read:

December 29, 2004

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate