

No. 79
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, September 14, 2005.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Assistant 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—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Michelle McManus of the 35th District offered the following invocation:

Lord, we thank You for this day and for the many blessings that You have bestowed upon us. We pray that You will grant us the wisdom and the guidance as we strive to serve the citizens of this great state.

Lord, help us to demonstrate conviction, sound judgment, and compassion as we tackle the many decisions that we will face today, tomorrow, and into the future. Amen.

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

Motions and Communications

Senator Brater entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Stamas admittance to the Senate floor, including the center aisle.

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 10:05 a.m.

11:07 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senator Stamas introduced the Coleman High School Girls Softball Team, 2005 Michigan High School Athletic Association Division 4 State Champions, and presented them with a Special Tribute.

Representative Caul and Coach Joe Albaugh responded briefly.

During the recess, Senators Thomas, Goschka, Leland, Garcia, Sikkema, Brown and Jelinek entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that the following bill, now on the order of General Orders, be referred to the Committee on Government Operations:

Senate Bill No. 334, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation

programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 10dd.

The motion prevailed.

The following communications were received:

Office of the Auditor General

September 13, 2005

Enclosed is a copy of the following audit report:
Performance audit of Central Michigan University.

September 13, 2005

Enclosed is a copy of the following audit report:
Performance audit of Michigan Technological University.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 13:
House Bill Nos. 4642 5028 5029

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 13, for her approval the following bills:

Enrolled Senate Bill No. 416 at 11:30 a.m.

Enrolled Senate Bill No. 463 at 11:32 a.m.

Messages from the Governor

The following message from the Governor was received and read:

September 13, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 2 of 1976 PA 223, MCL 18.352:

Crime Victims Services Commission

Mr. Martin G. Bandemer, an Independent, of 18458 Sabine, Macomb Township, Michigan 48042, county of Macomb, reappointed to represent peace officers, for a term expiring September 27, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 356

Senate Bill No. 419

Senate Bill No. 130

The motion prevailed.

House Bill No. 4834, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The House of Representatives has nonconcurring in the Senate substitute (S-8) and appointed Reps. Robertson, Palsrok and McConico as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 83, entitled

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

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

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

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

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

Senate Bill No. 601, entitled

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1230a (MCL 380.1230a), as added by 1995 PA 83.

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.

House Bill No. 4402, entitled

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1230 (MCL 380.1230), as amended by 1993 PA 284, and by adding section 1230c.

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

1. Amend page 7, line 11, after "NOTICE" by inserting "FROM AN AUTHORITATIVE SOURCE".

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to 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 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. 405**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

House Bill No. 4928, entitled

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51, and by adding section 1230f.

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

1. Amend page 2, line 1, after “**1230A**” by inserting “**OR 1230G**”.
2. Amend page 12, line 15, by striking out all of subsection (15) and inserting:

“(15) **THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008. IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED OF THAT CONVICTION.**”.

3. Amend page 23, line 27, by striking out all of subsection (15) and inserting:

“(15) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008. IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED OF THAT CONVICTION.”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to 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 House amendments made to the Senate substitute,

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

Roll Call No. 406

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

House Bill No. 4930, entitled

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for

expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1230d.

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

1. Amend page 5, line 7, by striking out all of subsection (7) and inserting:

“(7) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT’S LIST OF REGISTERED EDUCATIONAL PERSONNEL WITH THE CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008. IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT’S LIST OF REGISTERED EDUCATIONAL PERSONNEL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED OF THAT CONVICTION.”

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to 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 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. 407

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Third Reading of Bills

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

Senate Bill No. 719

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 719, entitled

A bill to amend 1972 PA 299, entitled “An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities,” by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

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. 408

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

Senate Bill No. 502, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

House Bill No. 4996, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16625 (MCL 333.16625), as amended by 1991 PA 58.

House Bill No. 4484, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 4306, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6 and 17b (MCL 388.1606 and 388.1617b), section 6 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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

1. Amend page 12, following line 2, by striking out all of subdivision (AA) and inserting:

"(AA) FOR 2005-2006 ONLY, IF A PUPIL WHO HAS BEEN EVACUATED FROM ANOTHER STATE AND HAS RELOCATED IN THIS STATE DUE TO A NATURAL DISASTER ENROLLS IN A DISTRICT WITHIN 60 DAYS AFTER THE PUPIL MEMBERSHIP COUNT DAY, THE DEPARTMENT SHALL ADJUST THE DISTRICT'S PUPIL COUNT FOR THE PUPIL MEMBERSHIP COUNT DAY TO INCLUDE THE PUPIL IN THE COUNT."

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.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 756, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 33 (MCL 432.33), as amended by 1996 PA 167.

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

House Bill No. 4642, 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 12 (MCL 28.432), as amended by 2004 PA 99.

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. 5028, entitled

A bill to create and provide for the operation of the Michigan port authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property and port facilities; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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. 5029, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; 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 Transportation.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Well, I don't have my statements today from my folks that normally come in on my computer, but I just want to remind my colleagues that it is important that we take up some bills; that we sit down and debate these issues like we debate all of our other bills so that we can get some affordable insurance for everyone in this state who needs affordable insurance.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 248, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d and 811h as amended by 2003 PA 152, section 801 as amended by 2004 PA 427, sections 811d, 811f, and 811g as added by 2000 PA 77, section 811e as amended by 2001 PA 124, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, and 811p; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4963, entitled

A bill to amend 2000 PA 77, entitled "An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 625, 803l, 804, and 904 (MCL 257.625, 257.803l, 257.804, and 257.904), sections 625 and 904 as amended by 1999 PA 73, 803l as amended by 1998 PA 68, and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts," by repealing enacting section 1.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, September 13, 2005, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

Senate Bill No. 423, entitled

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

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 L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4673, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 317a.

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 L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4865, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217f.

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 L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4866, entitled

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

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 13, 2005, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, September 13, 2005, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, September 15, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittee -

Capital Outlay - Thursday, September 15, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Conference Committees -

Agriculture (SB 264) - Thursday, September 15, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Community Colleges (SB 266) - Thursday, September 15, 8:00 a.m., Room 424, Capitol Building (373-8080)

Corrections (SB 268) - Thursday, September 15, 3:00 p.m., Room 424, Capitol Building (373-8080)

Education (SB 269) - Thursday, September 15, 11:30 a.m. or later after committees are given leave by the House to meet, Room 426, Capitol Building (373-8080)

General Government (SB 272) - Thursday, September 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Higher Education (SB 273) - Thursday, September 15, 12:00 noon, Room 428, Capitol Building (373-8080)

Human Services (SB 271) - Tuesday, September 20, 8:30 a.m., Room 110, Farnum Building (373-1801)

Labor and Economic Growth (SB 276) - Thursday, September 15, 1:00 p.m., Room 405, Capitol Building and 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Military and Veterans Affairs (SB 277) - Thursday, September 15, 9:45 a.m., Rooms 402 and 403, Capitol Building (373-5932)

Natural Resources (SB 278) - Thursday, September 15, 9:00 a.m., Room 426, Capitol Building (373-8080)

State Police (SB 280) - Thursday, September 15, 9:30 a.m., Rooms 402 and 403, Capitol Building (373-5932)

Transportation (SB 281) - Thursday, September 15, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, September 15, 2:00 p.m., Room 210, Farnum Building (373-6920)

Michigan Capitol Committee - Thursdays, September 15 (CANCELED), and October 6, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:39 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, September 15, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

