

**No. 11**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Wednesday, February 8, 2006.

10:00 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 present.

Allen—present  
Barcia—present  
Basham—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—excused  
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

Pastor Dan Millward of Redeemer Presbyterian Church of Traverse City offered the following invocation:

Heavenly Father, we pause this morning as the day's work begins to acknowledge You; to give You thanks and to make certain requests. First, Lord, we thank You for the countless ways that each of us has been blessed. We thank You for the beauty and the bounty of Your creation, particularly the beauty of the Great Lakes State.

We thank You for the freedoms that we enjoy in this great nation, freedoms that were founded upon Your Word. We thank You for this government. Your Word tells us that every person is to be in subjection to the governing authorities and that all governing authorities are divinely appointed and established by You. Therefore, I pray for Your blessing upon this Senate, that You would lead those whom You have appointed. Where there are differences of opinions among our leaders, even leaders in this room, open hearts and minds that, even among heated debate, a spirit of love and kindness would prevail and be evidenced among them.

Lord, I pray specifically for every man and woman in this room and their families. Strengthen them to serve us—the people—with diligence, and yet, without sacrificing the relationships and needs of their own family members.

We pray for our President and his advisors. Guide and direct them as well at this very difficult time in our nation's history. We pray for the men and the women in our armed forces who lay their lives on the line for our continued freedom and for the many families that have sacrificed the loss of their loved ones.

Lord, in all things may we first acknowledge You, realizing that all of us, but especially Your appointed leaders, are subject to and in the end answerable to You alone.

As a minister of Your gospel, I pray this in Jesus' name. Amen.

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

### Motions and Communications

Senators Cropsey and Emerson 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 Senators Goschka, Kuipers and Sikkema be temporarily excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that Senator Johnson be excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Leland be temporarily excused from today's session.

The motion prevailed.

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

February 7, 2006

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Finance Committee hold a hearing on the appointment of Frederick Morgan to the State Tax Commission, and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,  
Ken Sikkema, Chairman  
Senate Government Operations Committee

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

January 19, 2006

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 Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 2:12 p.m. this date, administrative rule (06-01-04) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation No. 813. Harness Horse Race and Pulling Team Stimulants and Depressants.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become 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 communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 7:  
**House Bill Nos. 5258 5313 5453 5456 5462 5498**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, February 7, for her approval the following bills:

**Enrolled Senate Bill No. 621 at 2:37 p.m.**

**Enrolled Senate Bill No. 622 at 2:40 p.m.**

**Messages from the Governor**

Senators Sikkema, Leland and Goschka entered the Senate Chamber.

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

**Senate Bill No. 272**

**Senate Bill No. 271**

**Senate Bill No. 264**

**Senate Bill No. 274**

**Senate Bill No. 281**

**Senate Bill No. 175**

**Senate Bill No. 236**

**Senate Bill No. 892**

**Senate Bill No. 893**

**Senate Bill No. 956**

**Senate Bill No. 957**

The motion prevailed.

The following messages from the Governor were received and read:

February 7, 2006

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 pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

**Commission of Agriculture**

Mr. Donald M. Coe, an Independent, of 419 Leeward Trail, Traverse City, Michigan 49686, county of Grand Traverse, succeeding James Maitland, whose term has expired, appointed for a term commencing February 7, 2006 and expiring December 31, 2009.

February 7, 2006

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 18 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1018:

**Construction Safety Standards Commission**

Mr. Patrick F. Gleason of 5215 North State Road, Davison, Michigan 48423, county of Genesee, succeeding Tom Boensch, who has resigned, representing individuals actively engaged in construction operations on the employee level, for a term commencing February 7, 2006 and expiring March 18, 2007.

February 7, 2006

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Sections 302 and 2603 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2603:

**Board of Real Estate Appraisers**

Ms. Beth L. Graham of 5808 Annapolis Drive, Lansing, Michigan 48911, county of Ingham, succeeding Pamela Chipman Anderson, whose term has expired, representing state licensed real estate appraisers, for a term commencing February 7, 2006 and expiring June 30, 2008.

February 7, 2006

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 Sections 16121 and 18505 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18505:

**Michigan Board of Social Work**

Mr. Allen L. Cushingberry, Psy.D., of 18201 Cherrylawn, Detroit, Michigan 48221, county of Wayne, succeeding Mary O'Connor, whose term has expired, representing individuals engaged primarily in the practice of social work, for a term commencing February 7, 2006 and expiring December 31, 2009.

Mr. Alan T. Semonian of 30382 Cascade Court, Southfield, Michigan 48076, county of Oakland, succeeding Eleanor Blum, whose term has expired, representing the general public, for a term commencing February 7, 2006 and expiring December 31, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

**Senate Bill No. 310, entitled**

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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. 794, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

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

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

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

The Senate agreed to the full title.

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

The House of Representatives returned, in accordance with the request of the Senate  
**House Bill No. 5177, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11549 (MCL 324.11549).

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

The question being on the motion to suspend the rule,

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

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate  
**House Bill No. 5178, entitled**

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

The question being on the motion to suspend the rule,

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

The motion prevailed.

Senator Kuipers entered the Senate Chamber.

**Senate Bill No. 351, entitled**

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

Substitute (H-1).

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

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

**Roll Call No. 57**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Birkholz	Emerson	Kuipers	Sikkema
Bishop	Garcia	Leland	Stamas

Brater	George	McManus	Switalski
Brown	Gilbert	Olshove	Thomas
Cassis	Goschka	Patterson	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Sanborn

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

**Senate Bill No. 579, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 2005 PA 251.

Substitute (H-1).

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

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

**Roll Call No. 58**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Sanborn

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

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 880, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding chapter 41A. Substitute (S-2).

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

1. Amend page 6, line 14, after “**SEC. 4159.**” by inserting “**IN ADDITION TO THE PENALTIES PROVIDED IN SECTION 150,**”.

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

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

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

**House Bill No. 5471**

**Senate Bill No. 127**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5471, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending sections 2, 13, and 15 (MCL 125.2652, 125.2663, and 125.2665), as amended by 2005 PA 101.

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. 59**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 127, entitled**

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2701) by adding section 360a.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Scott, George, Jelinek, Jacobs and Goschka asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

I’m going to read from my website a story from Detroit. It says, “My husband and I are good drivers. We’re paying enormous car insurance rates. We have not made a claim and the car insurance is steadily going up. I’m very suspicious that we’re subsidizing folks that live in the suburbs. Insurance should be based on your driving record and not where you live.” She thinks the same as I do.

Well, in *Gongwer* a couple days ago, they had a page in there, but I’ll just read a couple of things from there because you have probably read it. It says, “State Auto Thefts Fall in 2004. Automobile theft in Michigan fell by 6.2 percent in 2004, the last year figures are available, according to the Michigan Auto Theft Prevention Authority. The drop meant that 49,982 vehicles were stolen in the state that year, down from 53,307 stolen in 2003, according to the authority’s 2005 annual report. 2003 was the first year that auto thefts had increased in Michigan after six consecutive years of decreases. Nationally, there were 1.237 million auto thefts in 2004, a decrease of 1.9 percent. That decrease was the first after consecutive years of decreases.”

So that’s why our rates should be going down and not up.

Senator George’s statement is as follows:

I’m joined by Representative Lorence Wenke. We have a memorial tribute to present in honor of Lance Corporal Jason T. Little. We’re joined by his family in the east Gallery. I’m going to ask them to rise while I read the tribute, and then afterwards I would ask that we observe a moment of silence in honor of Corporal Little. We’re joined by his mother Jackie, his sister Stephanie, brother Derek, and friend Lisa Tribette.



Colleagues, “LET IT BE KNOWN, That it is with deepest gratitude for the life and dedicated service of Lance Corporal Jason T. Little, of Climax, Michigan, that we join with his family, friends, fellow soldiers and all Americans in honoring this fallen hero today.

Jason T. Little gave his life for his country on Saturday, January 7, 2006, when his tank was attacked with an improvised explosive device while conducting combat operations near Ferris, Iraq. Jason had been in Iraq for five months serving with the 2nd Tank Battalion, 2nd Marine Division, II Marine Expeditionary Force based at Camp Lejeune, North Carolina.

A 2003 graduate of Climax-Scotts High School, Jason is remembered as a quiet, personable young man, a very good student who loved to work with computers. He saw the military as a way to a successful future and proudly joined the Marines a year after his high school graduation.

Jason was more than a brother to his siblings. He and his sister, Stephanie, shared a special bond of friendship as they were only a year apart in age and talked often about what was happening in each other’s lives. Jason was a hero to his younger brother, Derek, who took every opportunity to proudly report on his brother’s Marine activities to his classmates and teachers and share pictures of Jason in uniform with them. Jason’s parents, Thomas and Jacqueline Little, who obviously instilled in Jason a love for his country and the integrity to become a dedicated soldier, have said, ‘He was exactly where he wanted to be in life, a United States Marine. We gave him to the Marines...he is handed to God now. We are so very proud of him and he will forever be missed. Our hearts will forever love him.’

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to Jason T. Little to honor the sacrifice of this United States Marine who will be remembered for his selfless service and admired for his commitment to duty. Although no words or special presentations can ease the pain of losing Jason, may his family know of our highest respect and appreciation for his extraordinary dedication and may his heroic efforts to defend our liberty never be forgotten.”

This is signed by myself, Representative Wenke, and our Governor, Jennifer M. Granholm.

A moment of silence was observed in memory of Marine Lance Corporal Jason T. Little.

Senator Jelinek’s statement is as follows:

Mr. President, the list of convicted school personnel is out. It is the list of the damned. However, the list includes the names of many false positives; people whose names do not belong on the list because they are not convicted of any crime. My office has heard from several individuals, some are school retirees, which are wrongly listed. This listing has the ability to ruin a person’s life and cast serious aspersions on a person’s good name, even if later exonerated. This list even includes people because of simple traffic violations. Being on the list brands a person for life. What could be more devastating to an individual of good character?

I stand here today to urge the courts and the Department of Education not to order the release of these lists until they have been checked and rechecked. We should reveal those who have been found guilty of crimes, but never those law-abiding individuals who have dedicated their lives to the education of our children.

Senator Jacobs’ statement is as follows:

I rise today to remind my colleagues of the profound losses we have suffered in recent days. Two sisters were celebrated home this week. These sisters were born six years apart, one in Alabama and one in Illinois. Both were born of humble beginnings, one of a Southern farmer; the other of a Russian immigrant. One was Jewish, one was Baptist. Both of their fathers, by dint and determination, later became merchants, and both women had mothers of strong character. Both women were eloquent and passionate, each in their own distinct voices, speaking out for the disenfranchised and marginalized.

Coretta Scott King, civil rights activist and wife of Martin Luther King, Jr., said, “Women, if the soul of a nation is to be saved, I believe you must become its soul.”

Betty Friedan, feminist and founder of the women’s liberation movement, said, “The only way for a woman, as for a man, to find herself, to know herself as a person, is by creative work of her own. There is no other way.”

There is not a person in this room of any gender or any color whose life, as well as the lives of their sons and daughters, has not been influenced by the lifelong works of these women. Nor is there a day that our legislative agenda does not include issues with roots in the causes these women championed.

Two sisters died this week—two courageous sisters. One woman’s life and passing was celebrated on Monday in New York City. The other was honored yesterday near Atlanta. And while their bodies may be buried, their souls live on in the empowerment and determination of women everywhere.

Senator Goschka’s statement is as follows:

I rise in total support of the previous comments made by Senator Jelinek. I can understand the heart and desires of all interested persons to know who the true criminals are who are before our children on a daily basis. That is something we all care about. We deserve to know that information.

At the same time, we know already that there are many individuals who are wrongly on that list. It would simply be wrong to allow such a list to be released until it is purged of the names of those people who do not belong on that list. You can only imagine if it was your name and you knew that somehow your name was on that list and it was inadvertent, but it is there. You would certainly want that to be cleansed first.

I do hope that the powers that be, whoever they may be, will look first at the integrity and preserving the integrity of these individuals who are law-abiding citizens who have done no wrong. Let's make sure that the names that are finally and ultimately released are those who are truly criminal, who have done things that the public should know about for the ultimate protection of their children. To do anything less than that would be wrong to a segment of the citizens of the state of Michigan. We have an opportunity yet to correct this thing before it gets out. We owe that to those citizens whose names are wrongly on that list.

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

Senators Allen, Birkholz, Bishop, Stamas and Kuipers introduced

**Senate Bill No. 1038, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36e. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators McManus, Birkholz, Gilbert, Jelinek, Bishop and Allen introduced

**Senate Bill No. 1039, entitled**

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 14.

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

Senator Birkholz introduced

**Senate Bill No. 1040, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

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

Senator Birkholz introduced

**Senate Bill No. 1041, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

**House Bill No. 5258, entitled**

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending section 11 (MCL 400.1111), as amended by 2003 PA 123.

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 Families and Human Services.

**House Bill No. 5313, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 28 (MCL 211.28), as amended by 1993 PA 292.

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 Finance.

**House Bill No. 5453, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52512.

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 Agriculture, Forestry and Tourism.

**House Bill No. 5456, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

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 Agriculture, Forestry and Tourism.

**House Bill No. 5462, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 27a and 53b (MCL 211.27a and 211.53b), section 27a as amended by 2005 PA 23 and section 53b as amended by 2003 PA 105, and by adding section 7jj; 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 Agriculture, Forestry and Tourism.

**House Bill No. 5498, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

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

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

**Committee Reports**

The Committee on Judiciary reported

**House Bill No. 4544, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 508 (MCL 750.508), as amended by 2002 PA 672.

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, Schauer, Emerson 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. 4727, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

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, Schauer, Emerson and Brater

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1024, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer, Emerson 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. 5043, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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, Schauer, Emerson 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. 5044, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

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, Schauer, Emerson and Brater

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 7, 2006, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Emerson and Brater

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 7, 2006, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

#### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, February 7, 2006, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

### Scheduled Meetings

**Appropriations** - Thursday, February 9, 1:00 p.m. or later immediately following Senate/House Appropriations Committee Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

#### Subcommittees -

**Community Colleges** - Wednesday, February 22, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health Department** - Tuesdays, February 14, February 21, February 28, and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Tuesdays, February 21, February 28, March 7, and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Fridays, February 17, 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing; February 24, Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

**Judiciary and Corrections** - Tuesday, February 21, 3:00 p.m., Room 402, Capitol Building (373-3760)

**K-12, School Aid, Education** - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

**Natural Resources Department** - Wednesdays, February 15, 8:30 a.m., and February 22, March 1, March 8, and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Transportation Department** - Tuesdays, April 18, April 25, May 2, May 9, May 16, and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Transportation Department and Transportation** - Tuesday, February 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Appropriations, Senate/House** - Thursday, February 9, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, February 9, 12:00 noon, Room 100, Farnum Building (373-2417)

**Education** - Thursday, February 9, 7:00 p.m., Kent ISD, 2930 Knapp NE, Grand Rapids (373-6920)

**Finance** - Wednesday, February 15, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Michigan Law Revision Commission** - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

**Transportation and Transportation Department Appropriations Subcommittee** - Tuesday, February 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:50 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, February 9, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

