

No. 46
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, May 16, 2006.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—present
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—excused
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
Whitmer—present

Imam Sayed Hassan Al-Qazwini of the Islamic Center of America of Detroit offered the following invocation:

In the name of Allah, the most merciful most compassionate, Lord of the heavens and the earth, our Lord and the Lord of those before us, we pray in Your name—the Lord of Adam, Abraham, Noah, Moses, Jesus, and Muhammad. Peace be upon them.

O God, we ask that You allow us to open this session with a clear vision and a pure heart to serve the people of this great state. O God, grant these dedicated servants the foresight and sound judgment to make the decisions that will guide this state down the path of success, security, and prosperity. Bless us with the courage to approach our challenges and the intelligence to overcome them. Grant us the confidence to set our feet firmly in the direction of progress and the humility to learn from our missteps.

O God, we ask Your guidance, mercy, and inspiration as we embark on another year of great challenges and greater potential. Grant us the dignity and honesty to fulfill the obligations with which we have been entrusted.

O God, honor the people of this state and this great country with the compassion and mercy taught by Your great prophet Jesus, son of Mary, so that we may continue to build bridges of love and understanding.

O God, bestow upon us the wisdom to understand Your divine words: “O humankind! Verily, I have created you from a single man and a single woman and made you into nations and tribes so that you may come to know one another.”

Our glorious Lord, in these times of national debate and international turmoil, we pray for the ultimate blessing. We ask not that God be on America’s side, but rather, we pray that America is on Your side—the side of justice and righteousness.

Amen.

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

Motions and Communications

Senator Hammerstrom moved that Senator Hardiman be excused from today’s session.

The motion prevailed.

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

Senate Bill No. 246

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. 233, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2111a.

The motion prevailed.

Senator Hammerstrom moved that the following bills, now on the order of General Orders, be referred to the Committee on Local, Urban and State Affairs:

Senate Bill No. 867, entitled

A bill to amend 2003 PA 258, entitled “Land bank fast track act,” by amending section 7 (MCL 124.757).

Senate Bill No. 874, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” by amending the title and section 102 (MCL 4.1102), the title as amended by 1988 PA 100 and section 102 as amended by 1995 PA 189, by amending the heading to chapter 8, and by adding sections 801, 802, 803, 804, and 805; and to repeal acts and parts of acts.

The motion prevailed.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

April 28, 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 4:45 p.m. this date, administrative rule (06-04-03) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 8. Portable Fire Extinguisher.*" These rules become effective 14 days after filing with the Secretary of State.

April 28, 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 4:47 p.m. this date, administrative rule (06-04-04) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 7. Disciplinary Proceedings.*" 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.

May 3, 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 3:52 p.m. this date, administrative rule (06-05-01) for the Department of Community Health, Director's Office, entitled "*Board of Chiropractic Rules.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6), or 48 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 communications were referred to the Secretary for record.

The following communication was received:
Department of State Police

May 9, 2006

Enclosed is a bound copy of the previously sent FY05 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public Act 416 of 1978, as amended. Copies of this report are transmitted to the Governor's Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriffs' Association, and the Deputy Sheriff's Association of Michigan.

Should you have any questions about this report, please contact Kim Kelly at (517) 333-5303.

Sincerely,
Michael L. Prince, Division Director
Office of Highway Safety Planning

The communication was referred to the Secretary for record.

The following communication was received:
Department of Education

May 12, 2006

In accordance with PA 84 of 2006, subsections 1230d (8) and 1535a (16), the attached document details the number of individuals holding a teaching certificate or state board approval as well as other individuals who were school employees or regularly and continuously working under contract as of January 1, 2006, and who have been convicted

of a listed offense or any felony. The data for this report is derived from the December 2005 Registry of Educational Personnel (REP) as collected and housed by the Center for Educational Performance and Information, and the criminal convictions list produced by the Michigan State Police.

School districts with employees who have listed offense convictions have been notified by the Michigan Department of Education (MDE) of their responsibility to terminate those individuals.

Please be advised that the MDE is still in the process of notifying local districts of their employees with criminal convictions.

Jeremy M. Hughes, Ph.D.
Deputy Superintendent
Chief Academic Officer

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Thursday, May 11, and are available at the legislative website:

Senate Bill Nos. 1259 1260
House Bill Nos. 6044 6045 6046 6047 6048 6049 6050 6051

The Secretary announced that the following official bills were printed on Friday, May 12, and are available at the legislative website:

Senate Bill No. 1261
House Bill Nos. 6052 6053 6054 6055 6056 6057 6058

Messages from the Governor

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
Senate Bill No. 179
Senate Bill No. 1026
Senate Bill No. 1027
Senate Bill No. 1028
Senate Bill No. 372

The motion prevailed.

The following message from the Governor was received:

Date: May 10, 2006
Time: 3:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1035 (Public Act No. 136), being

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 impose liability upon the state or local agencies; to provide appropriations for certain purposes; 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 section 801 (MCL 257.801), as amended by 2004 PA 427.

(Filed with the Secretary of State on May 12, 2006, at 3:26 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on May 11, 2006, and read:

EXECUTIVE ORDER
No. 2006-7

Observing Peace Officers Memorial Day

WHEREAS, the State of Michigan, from its earliest days, has been blessed with men and women of courage who have dedicated their lives to keeping peace in our communities;

WHEREAS, the People of the State of Michigan owe a debt of gratitude to the men and women of our law enforcement community who put their lives at risk to protect us and ensure the safety of our neighborhoods, homes, and families;

WHEREAS, since 1792, more than 17,500 peace officers have been killed in the line of duty in the United States;

WHEREAS, their supreme sacrifices remind us of the remarkable commitment that peace officers have made to preserve our safety and well-being;

WHEREAS, Congress, under Public Law 105-225, 36 USC 136, established May 15th of each year as Peace Officers Memorial Day;

WHEREAS, Public Law 105-225, 36 USC 136, also provided for the flag of the United States of America to be flown at half-staff on May 15th of each year in honor of the thousands of American peace officers killed in the line of duty;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on May 15th of each year to mark Peace Officers Memorial Day to show respect for the memory of law enforcement officers killed in the line of duty and to remember the family, friends, and colleagues left behind;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim:

A. On Peace Officers Memorial Day, May 15, 2006, and each subsequent May 15th, the flag of the United States of America shall be flown at half-staff at all state buildings and facilities throughout the State of Michigan.

B. All other interested organizations, groups, educational entities, and individuals in Michigan are also called upon to fly the flag of the United States at half-staff on Wednesday, May 15, 2006, and each subsequent May 15th.

C. When flown at half-staff on Peace Officers Memorial Day, the flag of the United States should be hoisted first to the peak for an instant and then lowered to the half-staff position, where it should be flown until sunset, then raised to the top of the staff.

D. All individuals, governmental entities, educational institutions, and community organizations are encouraged to pause on Peace Officers Memorial Day and reflect upon the courage and sacrifice of law enforcement officers killed in the line of duty.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 11th day of May, in the year of our Lord, two thousand and six.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

May 12, 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 10 of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1430:

Michigan Education Trust Board of Directors

Mr. Randall J. Richardville of 2060 North Custer Road, Monroe, Michigan 48162, county of Monroe, succeeding Stephanie Wilkinson, whose term has expired, representing a nominee of the Majority Leader of the Senate, having knowledge, skill, and experience in the academic, business, or financial field, for a term commencing May 12, 2006 and expiring December 31, 2008.

May 12, 2006

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 office under Section 1 of 1964 PA 233, MCL 390.941:

State Higher Education Facilities Commission

Mr. Daniel J. Limer of 3909 Edgeland, Royal Oak, Michigan 48073, county of Oakland, succeeding R. Miles Handy II, whose term has expired, representing residents of the state interested in higher education, for a term commencing May 12, 2006 and expiring May 22, 2008.

Mr. James N. Goenner of 313 Four Square Drive, Mt. Pleasant, Michigan 48858, county of Isabella, reappointed to represent public colleges and universities in the state, for a term expiring May 22, 2008.

May 12, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 5 of the Shared Credit Rating Act, 1985 PA 227, MCL 141.1055:

Michigan Municipal Bond Authority Board of Trustees

Mr. Donald H. Gilmer of 7021 North 46th Street, Augusta, Michigan 49012, county of Kalamazoo, reappointed to represent a resident of this state nominated by the Majority Leader of the Senate, for a term expiring January 1, 2009.

May 12, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1975 PA 164, MCL 18.302:

Commission on Spanish-Speaking Affairs

Ms. Maria Del Carmen Soto, D.O., of 715 West Michigan Avenue, Apt. #609, Jackson, Michigan 49201, county of Jackson, succeeding Belda Garza, who has resigned, representing the general public, for a term commencing May 12, 2006 and expiring December 10, 2006.

May 12, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office pursuant to Section 2 of 1968 PA 1, MCL 10.72:

Michigan Women's Commission

Ms. Rana A. Abbas of 27342 Kingswood Drive, Dearborn, Michigan 48127, county of Wayne, succeeding Joyce A. Watts, whose term has expired, for a term commencing May 12, 2006 and expiring July 15, 2008.

Ms. Renee T. Farhat of 6069 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, succeeding Denise Radtke, whose term has expired, for a term commencing May 12, 2006 and expiring July 15, 2008.

Ms. Sheryl L. Mitchell of 5735 Warrenshire Drive, West Bloomfield, Michigan 48322, county of Oakland, succeeding Patricia Hardy, whose term has expired, for a term commencing May 12, 2006 and expiring July 15, 2008.

Ms. Rosa E. Morales of 5 Roethke Court, Saginaw, Michigan 48602, county of Saginaw, succeeding Anne Norlander, whose term has expired, for a term commencing May 12, 2006 and expiring July 15, 2008.

Ms. Maria Ladas Hoopes of 435 Channel Drive, North Muskegon, Michigan 49445, county of Muskegon, reappointed for a term commencing July 16, 2006 and expiring July 15, 2009.

Ms. Brenda L. Jones Quick of 542 Fifth Street, Traverse City, Michigan 49684, county of Grand Traverse, reappointed for a term commencing July 16, 2006 and expiring July 15, 2009.

Ms. Emily A. Malloy of 1111 Houseman Avenue, N.E., Grand Rapids, Michigan 49503, county of Kent, reappointed for a term commencing July 16, 2006 and expiring July 15, 2009.

Ms. Judith S. Rosenberg of 532 Wallace, Birmingham, Michigan 48009, county of Oakland, reappointed for a term commencing July 16, 2006 and expiring July 15, 2009.

Ms. Gloria A. Woods of 354 Killarney Beach, Bay City, Michigan 48706, county of Bay, reappointed for a term commencing July 16, 2006 and expiring July 15, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

May 12, 2006

Due to errors on the May 10, 2006 letter filed with your office pursuant to Section 22211 of the Public Health Code, 1978 PA 368, MCL 333.22211, please be advised of the following **bold** corrections:

Certificate of Need Commission

Mr. Marc D. Keshishian, M.D., a Democrat, of 30498 Fox Club Drive, Farmington Hills, Michigan 48331, county of Oakland, succeeding **James Delaney**, whose term has expired, representing a nonprofit health care corporation operating pursuant to the Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1101 to 550.1703, for a term commencing May 10, 2006 and expiring **January 1, 2009**.

Ms. Kathie L. VanderPloeg-Hoekstra, a Republican, of 3495 Hampstead Court, Portage, Michigan 49024, county of Kalamazoo, succeeding **Renee Turner Bailey**, whose term has expired, representing a company that is not self-insured for health coverage, for a term commencing May 10, 2006 and expiring **January 1, 2008**.

May 12, 2006

Due to an error on the November 1, 2005 letter filed with your office pursuant to Sections 16121 and 18305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18305, please be advised of the following **bold** correction:

Michigan Board of Occupational Therapists

Ms. Diane K. Andert, OTR, of 144 Waupakisco Beach, Battle Creek, Michigan 49015, county of Calhoun, succeeding **Sandra Thom**, whose term has expired, representing occupational therapists, for a term commencing January 1, 2006 and expiring December 31, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The messages were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

ELECTIONS; ELECTION OFFICIALS; STATE BOARD OF CANVASSERS
AND DIRECTOR OF ELECTIONS; REVISE DUTIES CONCERNING
BALLOT QUESTION PETITIONS AND LANGUAGE

May 12, 2006

Today I have vetoed and return Enrolled Senate Bills 973, 974, 975, and 976 as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The legislation would transfer decisions relating to ballot proposals and petition signatures from a bi-partisan board of election officials that acts at public meetings to an individual state bureaucrat who reports to a partisan secretary of state and acts behind closed doors.

I believe the approval of statements describing ballot proposals, determination of the validity and the sufficiency of petition signatures, assignment of ballot designations, and the hearing of petition-related complaints should be performed by a public body at a public meeting held in full compliance with the Open Meetings Act. In a democracy, these kinds of decisions demand the full light of public scrutiny. Under the Open Meetings Act, when a governmental body acts, it must notify the public in advance and hold the meeting in public at a public location. All deliberations and decisions must occur within public view. Any citizen may attend, address the body, seek redress of grievances, and record or broadcast the proceedings. Minutes of the meeting must be kept and made available for public inspection.

In contrast, Senate Bills 973, 974, 975, and 976 would place decisions in the hands of an individual state employee, not subject to the Open Meetings Act. The employee would not be required to provide advance notice of decisions or to act in public at an accessible location. Deliberations and decisions could occur in private without public comment and a record of the decision-making process would not be required. Additionally, the employee responsible would report to a partisan secretary of state. Reducing public scrutiny and accountability in this way would undermine public

confidence in the election process, a fact exacerbated by the complete lack of any bi-partisan support for these four bills in either the Michigan Senate or the Michigan House of Representatives.

Because I object to changes in state law that would reduce public scrutiny of the election process, I return Enrolled Senate Bills 973, 974, 975, and 976 without signature.

Respectfully,
 Jennifer M. Granholm
 Governor

These bills were returned from the Governor on May 12, 2006, at 3:41 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bills be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded 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. 5760**
- Senate Bill No. 1107**
- House Bill No. 5630**
- House Bill No. 5631**
- House Bill No. 5653**
- Senate Bill No. 1121**
- Senate Bill No. 1224**
- House Bill No. 5607**
- House Bill No. 5979**
- House Bill No. 5450**
- House Bill No. 5451**
- House Bill No. 5449**

The motion prevailed.

The following bill was read a third time:

House Bill No. 5760, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2004 PA 5.

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. 357

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

“An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1107, entitled

A bill to amend 1967 PA 288, entitled “Land division act,” by amending section 183 (MCL 560.183), as amended by 2004 PA 122.

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. 358

Yeas—36

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

Nays—1

Brater

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5630, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5112. 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. 359

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

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

"An act to 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,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5631, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2253 (MCL 333.2253).

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. 360

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

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

“An act to 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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5653, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17508, 18001, 18011, and 18021 (MCL 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17508, 333.18001, 333.18011, and 333.18021), section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, and section 18021 as amended by 1993 PA 79, and by adding sections 18008, 18048, 18049, 18050, 18054, 18056, and 18058; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 361

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

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

"An act to 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,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1121, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 409 (MCL 330.1409), as amended by 2004 PA 555.

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. 362

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1224, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 612 and 660 (MCL 257.612 and 257.660), section 612 as amended by 1990 PA 33 and section 660 as amended by 2002 PA 494, and by adding sections 660a, 660b, 660c, and 660d.

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. 363

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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
Clark-Coleman

Jacobs

Sanborn

Whitmer

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5607, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 224 (MCL 257.224), as amended by 1995 PA 129.

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. 364

Yeas—36

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—1

Cassis

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

“An act to 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 impose liability upon the state or local agencies; to provide appropriations for certain purposes; 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5979, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2004 PA 384.

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. 365

Yeas—36

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

Nays—1

Cassis

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5607 and 5979.

Senator Cassis' statement is as follows:

I wish to record my "no" vote explanation on House Bill Nos. 5607 and 5979 regarding the state paying to issue new license plates. Well, I may be in the minority, but I believe taking away from and spending \$11 million from the Michigan Transportation Fund in very difficult economic times raises the issues of doing all we can to save dollars in the budget. To, again, express caution in shifting funding around, we lead by example.

Certainly, Michigan drivers, I believe, can live with our Old Blue license plates until our economy and our state revenues turn around.

The following bill was read a third time:

House Bill No. 5450, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 349 (MCL 750.349).

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. 366**Yeas—37**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”. The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5451, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 349b.

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. 367

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5449, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2005 PA 302.

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. 368

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	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	Jacobs	Sanborn	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Hardiman

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to

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

The Senate agreed to the full title.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Jelinek as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5854, entitled

A bill to amend 1973 PA 186, entitled “Tax tribunal act,” by amending sections 35 and 37 (MCL 205.735 and 205.737), as amended by 2003 PA 131, and by adding section 35a.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 1052, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 2 and 4 (MCL 431.302 and 431.304).

Substitute (S-1).

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

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

Senate Bill No. 803, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 8 (MCL 211.8), as amended by 2002 PA 620.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 127

The motion prevailed.

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

Senate Resolution No. 138

The resolution consent calendar was adopted.

Senator Allen offered the following resolution:

Senate Resolution No. 138.

A resolution to commemorate the 50th Anniversary of the Northwestern Michigan College Barbecue.

Whereas, Northwestern Michigan College (NMC) hosts an annual barbecue each May on their beautiful campus, welcoming the community to their college; and

Whereas, Local grocer Gerald Oleson and his wife Frances started the annual picnic in 1956 by asking the community to help with the event if he donated the food, and over 4,900 people attended that first event; and

Whereas, Oleson's Food Stores have donated the food for every barbecue since that first one, serving over 2,000 pounds each of buffalo meat, potato salad, and baked beans at each barbecue; and

Whereas, The Coca-Cola Bottling Company of Traverse City has become the second major supporter of the barbecue, providing all beverages for the event; and

Whereas, Over 500 volunteers donate their energy, time, and enthusiasm to make the annual Northwestern Michigan College Barbecue a success; and

Whereas, More than 10,000 community members attend the barbecue each year, continuing the tradition in Traverse City that Northwestern Michigan College is a college built by the community for the community; and

Whereas, The annual NMC Barbecue has raised more than \$1.3 million for projects at the college, including facilities like the NMC Dennis Museum Center, the NMC University Center, classroom equipment to enhance learning, and programs that contribute to education for the community; and

Whereas, Area citizens and Northwestern Michigan College are celebrating 50 years of picnicking together during the annual barbecue each May under the NMC pines; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to Northwestern Michigan College and the Traverse City community as they celebrate 50 years of conducting and supporting their annual NMC Barbecue; and be it further

Resolved, That copies of this resolution be transmitted to Northwestern Michigan College and the Oleson family as evidence of our sincere esteem and congratulations.

Senator Schauer moved that Senator Scott be excused from the balance of today's session.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Cropsey's statement is as follows:

I have Representative Scott Hummel here next to me and I want to read this Special Tribute to Corporal Nyle Yates III. "LET IT BE KNOWN, That it is with deep respect that we offer tribute of the highest honor as a memorial for the life of Corporal Nyle Yates III. He made the ultimate sacrifice on our behalf and this loss has saddened all who had the good fortune of knowing him. On behalf of the Michigan Legislature, the citizens of Michigan, and the United States of America, we extend our deepest condolences and respect to the family and friends of Nyle. This brave soldier and loving son answered his country's call and gave his life for the freedom and liberty we enjoy today. He will be truly missed and fondly remembered.

Born January 21, 1984, Nyle Yates III was a 2002 graduate of Lakeview High School. He was known for the smile that was permanently etched onto his face and the kindness that he always seemed to emit. He loved his family and friends with passion. He was always friendly to everyone, which is a quality that is hard to find these days.

Yates joined the Army right after high school. Before leaving for boot camp, he went on a work camp project to Zuni, New Mexico. At this camp, they built an adobe building for the children of the reservation to use as a youth center. He was a member of the 101st Airborne, Air Assault Division. It was his second tour of duty in Iraq. At the age of 19, during his first tour, he was a radio operator and when his commander was wounded, he had to call in a helicopter. For this act, he was awarded a Purple Heart and a Bronze Star, along with other commendation medals as well.

While no words, flags, or tributes can erase the pain felt by such a tremendous loss, we know that heroes come from all walks of life; it is young men like Corporal Nyle Yates III who value liberty more than life itself. These men have made America what it is today. They have sacrificed their lives, their blood, their sweat, and their tears to achieve victory.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer the highest praise and remembrance of Corporal Nyle Yates III. May his family accept this tribute as a symbol of a high regard on which his memory is held by the people of the state of Michigan and a grateful Nation."

This is signed by myself, Alan Cropsey, on behalf of the State Senate, and also signed by Scott Hummel on behalf of the State House of Representatives.

Nyle's parents, Mr. and Mrs. Edgecomb, are in the east Gallery, and I would like to have them stand.

A moment of silence was observed in memory of Army Corporal Nyle Yates III.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1262, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

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

Senator Switalski introduced

Senate Bill No. 1263, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3204 (MCL 500.3204).
The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Senator Switalski introduced

Senate Bill No. 1264, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 2408.
The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senator Jacobs introduced

Senate Bill No. 1265, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 7A.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Bishop, Patterson, Cropsey and Sanborn introduced

Senate Bill No. 1266, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 11, 13, 15, 27, and 29 (MCL 55.271, 55.273, 55.275, 55.287, and 55.289).

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

Senators Allen, Goschka and Birkholz introduced

Senate Bill No. 1267, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 25b (MCL 257.25b), as added by 2000 PA 82.

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

Senator George introduced

Senate Bill No. 1268, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7q (MCL 211.7q), as added by 1980 PA 142.

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 649, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 861, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7 (MCL 390.1457), as amended by 2004 PA 595.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senator Cropsey

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

The Committee on Appropriations reported

House Bill No. 4437, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2004 PA 377.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 10, 2006, at 2:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Excused: Senator Jelinek

The Committee on Education reported

House Bill No. 4460, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending the title and section 19 (MCL 29.19), the title as amended by 1984 PA 314 and section 19 as amended by 1998 PA 45.

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.

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Education reported

Senate Bill No. 1108, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending the title and section 19 (MCL 29.19), the title as amended by 1984 PA 314 and section 19 as amended by 1998 PA 45.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

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

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 Education submitted the following:

Meeting held on Thursday, May 11, 2006, at 2:00 p.m., Room 210, Farnum Building

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

Excused: Senator Leland

COMMITTEE ATTENDANCE REPORT

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

Joint public hearing held on Thursday, May 11, 2006, at 8:00 a.m., Room 519, South Tower, House Office Building

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

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday May 11, 2006, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Brater and Whitmer

Excused: Senator Jelinek

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Thursday, May 11, 2006, at 12:30 p.m., Room 519, South Tower, House Office Building

Present: Senators Gilbert (C), Leland and Basham

Excused: Senators Kuipers and Goschka

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Thursday, May 11, 2006, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Stamas and Clarke

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 18, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, May 17, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture - Thursday, May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

Capital Outlay - Thursday, May 18, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce, Labor and Economic Development - Wednesday, May 17 (CANCELED) and Tuesday, May 23, 8:30 a.m., Room 405, Capitol Building (373-2420)

Human Services Department - Wednesday, May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building and Thursday, May 18, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1801)

State Police and Military Affairs - Thursday, May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

Transportation Department - Tuesday, May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523) (CANCELED)

Conference Committee -

Supplemental Appropriations (SB 242) - Wednesday, May 17, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Economic Development, Small Business and Regulatory Reform - Wednesday, May 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, May 17, 12:00 noon, Room 110, Farnum Building (373-1758)

Government Operations - Tuesday, May 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Health Policy - Wednesday, May 17, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Legislative Retirement Board of Trustees - Wednesday, May 17, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Thursday, June 8, 1:00 p.m., Room 110, Farnum Building (373-1707)

State Drug Treatment Court Advisory Committee - Tuesday, May 23, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Subcommittees -

Certification - Tuesday, May 23, immediately after the full State Drug Treatment Court Advisory Committee meets, Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Cross Assignment - Tuesday, May 23, immediately after the full State Drug Treatment Court Advisory Committee meets, Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Technology and Energy - Wednesday, May 17, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation/House Transportation - Thursday, May 18, 12:30 p.m. or later after committees are given leave by the House to meet, Room 519, South Tower, House Office Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:53 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 17, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

