

**No. 57**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Thursday, June 8, 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—excused  
Cropsey—present  
Emerson—present

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

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

Pastor Dan Dickerson of Calvary Baptist Church of Midland offered the following invocation:

Father God, how we thank You today for the freedoms that we enjoy in this nation and in this state. I thank You for the Constitution here in the state of Michigan which declares that we are grateful to Almighty God for the blessings of freedom. So we do give You today our praise and our thanks for these freedoms that we enjoy.

We do thank You for the success that You have granted, even as we've heard today in the news on the war on terrorism and the end of al-Zarqawi's wicked and murderous leadership. We realize that our best efforts apart from the grace of God falls short and that when success comes, we need to be grateful to our God.

We thank You for the political and religious freedoms that we do enjoy. We thank You for public service, and I thank You for these Your public servants, who serve here in the Senate, and I pray Your blessing upon them. I thank You for the godly heritage that You've given to us in America—the honor and respect for God, the Bible, prayer, and faith.

Lord, we do today in prayer repent and we ask for forgiveness, for at times having a form of godliness, but denying the power thereof. We'd ask here, even in this wonderful precedent of opening this session in prayer, that it won't simply be a form of godliness, but that truly we would pray from our heart to the true and living God.

We pray that You would forgive us for our failure at times, Lord, to fear and revere Your name. We know that the fear of the Lord is the beginning of wisdom, and it's the beginning of knowledge and understanding. Forgive us for fearing man, which brings a snare, and help us to fear and revere and honor God.

Now, Lord, we do ask humbly that You will give us a humble spirit before You, for You give grace to the humble. Give us conviction that we might stand for time-honored truth. Lord, we realize that even on the national scene as there has been a real debate and discussion over marriage, Lord, I thank You for the stand that this Senate and the House and the state of Michigan have taken on one-man and one-woman marriage and the biblical precedent to leave mother and father and cleave to a wife. We believe, Lord, that institution is so fundamental to all other institutions—our government, our churches, and our nation as a whole. We do pray for our leaders with conviction without compromise to maintain this basic building block of society.

Now, I pray for wisdom today for these who serve here. Lord, as I read in the Proverbs today, Lord, we just take heed to Your Word in Proverbs 8: "For wisdom is better than rubies; and all the things that may be desired are not to be compared to it. The fear of the Lord is to hate evil: pride, and arrogance, and the evil way, and the froward mouth, do I hate. Counsel is mine, and sound wisdom: I am understanding; I have strength. By me kings reign, and princes decree justice. By me princes rule, and nobles, even all the judges of the earth. I love them that love me; and those that seek me early shall find me. I lead in the way of righteousness, in the midst of the paths of judgment."

Lord, for this day I pray for these men and women who serve here, that You would grant them Your wisdom and Your blessing and Your blessing then upon our state and upon our nation.

We pray these things in the name of the Lord Jesus Christ, our Lord and Savior. Amen.

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

### **Motions and Communications**

Senators Jelinek, Johnson, Switalski and Gilbert entered the Senate Chamber.

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

**Senate Bill No. 246**

The motion prevailed.

Senator Hammerstrom moved that Senators Goschka and Garcia be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Jacobs moved that Senator Clarke be excused from today's session.

The motion prevailed.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

May 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 3:55 p.m. this date, administrative rule (06-05-02) for the Department of Military and Veteran's Affairs, Military Family Relief Fund, entitled "*Military Family Relief Fund, Procedure for Review of Applications and Disbursement of Funds.*" 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 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 3:57 p.m. this date, administrative rule (06-05-03) for the Department of Labor and Economic Growth, Director's Office "*Residential Builders and Maintenance and Alteration Contractors.*" 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 26, 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 11:56 a.m. this date, administrative rule (06-05-04) for the Department of Community Health, Bureau of Epidemiology "*Communicable and Related Diseases.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 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:  
Office of the Auditor General

June 6, 2006

Enclosed is a copy of the following audit report:  
Financial audit of the Michigan Strategic Fund, a component unit of the State of Michigan, for the period October 1, 2003 through September 30, 2005.

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

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 Wednesday, June 7:  
**House Bill Nos. 5719 6118**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

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

**Senate Bill No. 875**

**Senate Bill No. 538**

**Senate Bill No. 693**

The motion prevailed.

**House Bill No. 5786, entitled**

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has nonconcurred in the Senate substitute (S-1) and appointed Reps. Brandenburg, Amos and Kolb as conferees.

The message was referred to the Secretary for record.

**Senate Bill No. 297, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not 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. 471, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

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.

Senators Garcia and Goschka entered the Senate Chamber.

**Senate Bill No. 472, entitled**

A bill to amend 1987 PA 26, entitled "Michigan superconducting super collider act," by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

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.

**Senate Bill No. 473, entitled**

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by repealing section 5 (MCL 15.445).

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.

**Senate Bill No. 474, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

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. 475, entitled**

A bill to amend 1982 PA 175, entitled "An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts," by amending section 2 (MCL 125.1952).

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. 476, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 77 (MCL 125.2077).

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.

**Senate Bill No. 478, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

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.

**Senate Bill No. 481, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 8029 (MCL 600.8029).

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.

**Senate Bill No. 689, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of

certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," (MCL 691.1401 to 691.1419) by adding section 7c.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 8, after "**REGULATION**" by inserting a period.
2. Amend page 2, line 9, by striking out all of line 9 and inserting "**THE MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT SHALL NOT USE THE DONATED EQUIPMENT UNLESS THE USE IS CONSISTENT WITH STATE**".

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

Pursuant to rule 3.202, the bill was laid over one day.

### Third Reading of Bills

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

**Senate Bill No. 1159**

**Senate Bill No. 1279**

**Senate Bill No. 435**

**Senate Bill No. 50**

**House Bill No. 5562**

**Senate Bill No. 1016**

**House Bill No. 6070**

**House Bill No. 4366**

**House Bill No. 5347**

**House Bill No. 5346**

**House Bill No. 5160**

**House Bill No. 5036**

**House Bill No. 5977**

**Senate Bill No. 631**

**Senate Bill No. 632**

**Senate Bill No. 826**

**Senate Bill No. 827**

**Senate Bill No. 1273**

**House Bill No. 5396**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1159, entitled**

A bill to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote water resource improvement; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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. 480**

**Yeas—36**

Allen  
Barcia

Clark-Coleman  
Cropsey

Jacobs  
Jelinek

Sanborn  
Scott

Basham	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer

**Nays—0**

**Excused—2**

Clarke                      Schauer

**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. 1279, entitled**

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending sections 106, 133, 141, 143, 151, 404, 405, 407, 413, 441, 446, 451, 521, 525, 1103, and 1144 (MCL 450.2106, 450.2133, 450.2141, 450.2143, 450.2151, 450.2404, 450.2405, 450.2407, 450.2413, 450.2441, 450.2446, 450.2451, 450.2521, 450.2525, 450.3103, and 450.3144), sections 1103 and 1144 as added by 1984 PA 209, and by adding section 406a.

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. 481**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke                      Schauer

**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. 435, entitled**

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending sections 3, 3a, 5, 5c, 8, 10, 10a, and 11b (MCL 432.103, 432.103a, 432.105, 432.105c, 432.108, 432.110, 432.110a, and 432.111b), section 3 as amended by 1995 PA 275, sections 3a, 5c, and 11b as added and sections 5, 10, and 10a as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

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. 482****Yeas—36**

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

**Nays—0****Excused—2**

Clarke	Schauer
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**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. 50, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 545.

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. 483****Yeas—35**

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

**Nays—1**

Jacobs

**Excused—2**

Clarke

Schauer

**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. 5562, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 541 (MCL 436.1541).

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. 484****Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke

Schauer

**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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; 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. 1016, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2601, 2605, 2607, 2617, 2619, 2627, 2633, 2635, and 2637 (MCL 339.2601, 339.2605, 339.2607, 339.2617, 339.2619, 339.2627, 339.2633, 339.2635, and 339.2637), as amended by 1999 PA 170, and by adding section 2610; 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. 485****Yeas—36**

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

**Nays—0****Excused—2**

Clarke

Schauer

**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. 6070, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35e; 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. 486**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Schauer
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**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 imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4366, entitled**

A bill to repeal 1897 PA 160, entitled "An act to establish a lien upon horses and other animals for the cost of shoeing the same," (MCL 570.351 to 570.363).

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. 487**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Schauer
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**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.

The following bill was read a third time:

**House Bill No. 5347, entitled**

A bill to amend 2000 PA 316, entitled "Michigan organic products act," by amending section 21 (MCL 286.921).

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. 488**

**Yeas—35**

Allen	Clark-Coleman	Jacobs	Scott
Barcia	Cropsey	Jelinek	Sikkema
Basham	Emerson	Johnson	Stamas
Birkholz	Garcia	Kuipers	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Patterson	Van Woerkom

Cassis  
CherryHammerstrom  
HardimanPrusi  
Sanborn

Whitmer

**Nays—0****Excused—2**

Clarke

Schauer

**Not Voting—1**

Leland

In The Chair: President

Senator Leland moved to reconsider the vote by which the bill was passed.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The question being on the passage of the bill,  
 The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 489****Yeas—36**Allen  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
CherryClark-Coleman  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
HardimanJacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson  
PrusiSanborn  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom  
Whitmer**Nays—0****Excused—2**

Clarke

Schauer

**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 define organic agriculture and products; to provide for the establishment of standards relative to organic products, producers and handlers of organic products, and other persons; to provide for designation of certain entities as certifying agents; to provide for registration of certain persons; to create certain funds and provide for their disposition; to create certain advisory committees; to provide for certain powers and duties of certain state agencies; and to provide for penalties and remedies.”.

The Senate agreed to the full title.

Senator Schauer entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5346, entitled**

A bill to amend 1976 PA 412, entitled “An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts,” by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

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. 490**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Clarke

**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.

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

Senator Hammerstrom moved that Senator Garcia be excused from the balance of today’s session. The motion prevailed.

The following bill was read a third time:

**House Bill No. 5160, entitled**

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

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. 491**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: Birkholz

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

The following bill was read a third time:

**House Bill No. 5036, entitled**

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 287.900).

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. 492**

**Yeas—36**

Allen	Clark-Coleman	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

Basham	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	Whitmer

**Nays—0**

**Excused—2**

Clarke

Garcia

**Not Voting—0**

In The Chair: Birkholz

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

The following bill was read a third time:

**House Bill No. 5977, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2005 PA 144.

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. 493**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke

Garcia



**Not Voting—0**

In The Chair: Birkholz

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 system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 631, entitled**

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending sections 3 and 39 (MCL 338.2203 and 338.2239), section 3 as amended by 1993 PA 139 and section 39 as amended by 2003 PA 87.

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. 494**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 632, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), sections 601 and 602 as amended by 2005 PA 278, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404b and 2411a.

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. 495**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Cassis' statement is as follows:

I urge that we pass this package of bills that are bipartisan. As we do so today, I must say that it represents a long journey. The importance of these bills is two-fold. First, they promote high standards of professionalism in the construction industry and will protect the reputation of good builders who impose good standards of integrity and ethical workmanship. Secondly, these bills provide confidence that contractors the consumer hires will have met and lived up to the codes and standards, thus giving constituents, our constituents greater trust and security that the job they have commissioned will live up to their expectations.

With this legislation, Michigan becomes a leader in protecting licensed builders, strongly deterring unlicensed who could face enforcement by way of fines, penalties, and even jail time for substandard scamming of the public, establishing a DLEG disclosure website informing would-be consumers of the status of members in the building industry, and significantly, adding education and continuing education requirements that are so important to maintaining knowledge of and compliance with all applicable codes and ordinances. Certainly, we've come a long way.

Senator Basham’s statement is as follows:

This has certainly been a bipartisan effort. There has been great work done by staff from both sides of the aisle on the package of bills. Also at the table were the attorneys general, the prosecuting attorneys, and the builders. It has been pretty much a long, arduous process with all the stakeholders at the table. To get consensus on a group of issues, and as many issues as we have dealing with contractors unlicensed and bad contractors, I think it says a lot about the hard work of staff on both sides of the aisle.

There are incentives in this package of bills for prosecutors to prosecute bad or unlicensed contractors. There are also incentives to go after their equipment and to go after them personally. This is a good package of bills. I appreciate working with the chair of the committee and the other members on both sides of the aisle and the other Senators who had a bill in this package and their staff.

I would encourage members to support the entire package.

Senator Schauer stated that had he been present earlier today when the votes were taken on the passage of the following bills, he would have voted “yea”:

- Senate Bill No. 1159**
- Senate Bill No. 1279**
- Senate Bill No. 435**
- Senate Bill No. 50**
- House Bill No. 5562**
- Senate Bill No. 1016**
- House Bill No. 6070**
- House Bill No. 4366**
- House Bill No. 5347**

The following bill was read a third time:

**Senate Bill No. 826, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 601, 602, 604, 605, 2405, 2411, and 2412 (MCL 339.601, 339.602, 339.604, 339.605, 339.2405, 339.2411, and 339.2412), sections 601 and 602 as amended by 2005 PA 278, section 604 as amended by 1989 PA 261, and sections 2411 and 2412 as amended by 2001 PA 113, and by adding sections 606 and 2404a.

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. 496**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke

Garcia

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The President, Lieutenant Governor Cherry, resumed the Chair.

The following bill was read a third time:

**Senate Bill No. 827, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975.

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. 497****Yeas—36**

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

**Nays—0****Excused—2**

Clarke

Garcia

**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. 1273, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 2408.

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. 498**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was announced:

**House Bill No. 5396, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

(This bill was read a third time on June 7, amendment offered and consideration postponed. See Senate Journal No. 56, p. 1245.)

The question being on the adoption of the amendment offered by Senator Basham, Senator Basham withdrew the amendment.

Senator Johnson offered the following amendments:

1. Amend page 5, line 24, by striking out “**EITHER OR BOTH**” and inserting “**ANY**”.
2. Amend page 6, following line 9, by inserting:

**“(C) COMPLIANCE CHECKS IN WHICH THE MINOR ATTEMPTS TO PURCHASE TOBACCO PRODUCTS FOR THE PURPOSE OF SATISFYING FEDERAL SUBSTANCE ABUSE BLOCK GRANT YOUTH TOBACCO ACCESS REQUIREMENTS, IF THE COMPLIANCE CHECKS ARE CONDUCTED UNDER THE DIRECTION OF A SUBSTANCE ABUSE COORDINATING AGENCY AS DEFINED IN SECTION 6103 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.6103, AND WITH THE PRIOR APPROVAL OF THE STATE POLICE OR A LOCAL POLICE AGENCY.”.**

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 499**

**Yeas—36**

Allen	Clark-Coleman	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

Basham	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	Whitmer

**Nays—0**

**Excused—2**

Clarke

Garcia

**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 prohibit the selling, giving, or furnishing of tobacco products to minors; to prohibit the use of tobacco products by minors; to prohibit the harboring of minors for the purpose of indulging in the use of tobacco products; to regulate the retail sale of tobacco products; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Basham’s statement is as follows:

I appreciate the good work of the folks who worked on this piece of legislation, but there is much work to be done. In fact, we are lagging behind other states and other countries when it comes to addressing the issue of secondhand smoke.

I’ve introduced Senate Bill No. 394 and my colleague across the aisle has introduced Senate Bill No. 395. We’ve never had a hearing on those pieces of legislation. Also I’ve introduced Senate Bill No. 110 at the request of police officers who are doing stings. The penalty for selling tobacco products to minors is \$50. That certainly is not adequate. That’s the price of doing business for party store owners, and, quite frankly, we haven’t done enough in those areas.

I would encourage the Legislature to look at a comprehensive approach to secondhand smoke. And the reason that Ontario went smoke-free, dealing with health care costs, is it saves the province \$1.7 billion annually. That’s a conservative number.

Senator Emerson’s statement is as follows:

Tomorrow is the last day for one of my staff who has worked with me for several years now—Shatina Clinton, who has been the receptionist in our office and the person who did just about everything for us. She wanted me to make sure that everybody knew that she’s not related to Bill. Although, if you listen to her talk, I swear she is Bill’s lost child.

But we’ve truly enjoyed the services that Shatina has provided to both my office and prior to working my office, she worked in our central office and the services that she’s provided so terrifically to our caucus. I’m going to miss her. I know that she’s not going far, but she’s going to be working across the street. We’re happy she’s getting a better opportunity and we wish her nothing but the best because she’s given us nothing but the best.

Shatina, I have both a tribute and a seal signed by the members of the Senate to present to you on this the last day we’re in session before you leave. I appreciate all the work you’ve done for me and our caucus. Thank you.

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 Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the Associate President pro tempore, Senator Barcia, having assumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

**Senate Bill No. 1125, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2, 3, and 5 (MCL 445.902, 445.903, and 445.905), section 2 as amended by 1984 PA 91 and section 3 as amended by 2004 PA 462.

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

1. Amend page 12, line 7, after the second "THE" by inserting "RECORDING".
2. Amend page 12, line 8, after "THE" by inserting "RECORDING".
3. Amend page 12, line 9, after the second "THE" by inserting "RECORDING".
4. Amend page 12, line 11, after "TRIBUTE" by inserting "AND THE NAME OF THE VOCAL OR INSTRUMENTAL GROUP PERFORMING IS NOT SO CLOSELY RELATED OR SIMILAR TO THAT USED BY THE RECORDING GROUP THAT IT WOULD TEND TO CONFUSE OR MISLEAD THE PUBLIC".

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

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

**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.

Substitute (S-1).

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

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

**House Bill No. 5959, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3 and 4 (MCL 207.1003 and 207.1004), as amended by 2002 PA 668.

Substitute (S-2).

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

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

**House Bill No. 5217, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

Substitute (S-1).

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

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

**House Bill No. 5181, entitled**

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; and to repeal acts and parts of acts.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5752, 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.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5754, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 78.

Substitute (S-2).

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

1. Amend page 3, line 18, after "\$500,000.00" by inserting a comma and "**WHICH MAY INCLUDE FEDERAL SOURCES**,".

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 rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5181**

**House Bill No. 5752**

**House Bill No. 5754**

**House Bill No. 5959**

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

The following bill was read a third time:

**House Bill No. 5181, entitled**

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; 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. 500**

**Yeas—36**

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



**Nays—0**

**Excused—2**

Clarke

Garcia

**Not Voting—0**

In The Chair: Barcia

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

The following bill was read a third time:

**House Bill No. 5752, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2005 PA 275.

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. 501**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke

Garcia

**Not Voting—0**

In The Chair: Barcia

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 create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5754, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding section 78.

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. 502**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: Barcia

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 relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the

creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5959, entitled**

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending sections 3, 4, and 39 (MCL 207.1003, 207.1004, and 207.1039), sections 3 and 4 as amended by 2002 PA 668.

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. 503**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Garcia
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**Not Voting—0**

In The Chair: Barcia

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 prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 71**

The motion prevailed.

Senators Gilbert, Basham, Birkholz, Toy, Kuipers, Allen, Van Woerkom and Brater offered the following concurrent resolution:

**Senate Concurrent Resolution No. 51.**

A concurrent resolution to urge the United States Department of Veterans Affairs to provide all veterans access to credit rating agencies to secure personal information against identity theft.

Whereas, Certain personal information for up to 26.5 million veterans who were discharged after 1975 and some spouses was stolen from an employee of the Department of Veterans Affairs (VA) who removed the data from the VA without authorization. The VA also reported that this data appears to include personal information for up to 50,000 National Guard, Reserve, and Navy personnel. The stolen data includes the names, social security numbers, disability ratings, and dates of birth of the veterans and some spouses, representing a treasure trove for criminals if this data is used for identity theft; and

Whereas, Law enforcement agencies, including the FBI and the VA Inspector General's office, have launched investigations to find this information. In addition, the VA is working with members of Congress, the media, veterans service organizations, and other government agencies to inform veterans of this loss of data, the dangers of this data getting into the hands of criminals, and the steps they may take to protect themselves from identity theft; and

Whereas, These steps are welcome but insufficient to protect our veterans from harm. Much depends on veterans and their families taking action to protect themselves, and so the role of private credit rating services is crucial. These services are the gateways to granting credit to criminals who possess the identifying information that was stolen. Our veterans must have free and prompt access to these credit rating agencies to secure their personal information and prevent it from being used by criminals to wreak havoc on their lives; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Veterans Affairs to provide all veterans access to credit rating agencies to secure personal information against identity theft; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the United States Department of Veterans Affairs.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Barcia, Brown, Cassis, Cropsey, Garcia, Jacobs, Prusi and Switalski were named co-sponsors of the concurrent resolution.

### **Introduction and Referral of Bills**

Senator Gilbert introduced

**Senate Bill No. 1298, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 704a.

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

**House Bill No. 5719, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 217g and 217h.

The House of Representatives has passed the bill.

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

**House Bill No. 6118, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 8, and 10 (MCL 207.803, 207.808, and 207.810), sections 3 and 8 as amended by 2006 PA 117 and section 10 as amended by 2003 PA 248.

The House of Representatives has passed the bill.

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

**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

This is an editorial in *The Michigan FrontPage*, dated June 2. It says, "A recent article in the New York Times about Detroit's high insurance rates identifies a serious issue that we must confront as a region.

Car insurance rates in the City of Detroit have apparently climbed to the highest rates in the country due in part to legitimate claims and seemingly in part to insurance abuse.

While the article didn't state the cause or reason for the quantity of legitimate claims, it does suggest that high car insurance rates can lead to the slippery slope of policy misrepresentation.

In the case of car insurance in the City of Detroit, it has become apparent that the rates continue to rise due to policy holders claims of non-residency. This creates something of a snowball effect for the remaining policy holders who become responsible for supporting the claims of the remaining residents, causing the continual rise of rates through the city.

It would seem there are several opportunities to work together to reduce these rates. First, it seems we need to question the actuaries at the insurance companies to identify exactly how these high rates are calculated.

Second, we need to be responsible citizens who are honest in the registration of our insurance and in the reporting of our claims.

The 500 percent premium Detroiters pay over the fiscal baseline of most major urban centers could use some justification. Knowledge is the key and if we know what the problems are, then we can work together to fix them."

So that's why I certainly would love to have my task force bill taken up so we can sit down and find out what the real problems are here in Michigan.

Senator Patterson's statement is as follows:

Yesterday, June 7th, was a day in history in which General Henry Lee of the Continental Congress Army asked for a declaration of independence to be declared. But in August of 1824, Thomas Jefferson wrote the following to General Henry Lee: "Men by their constitutions are naturally divided into two parties. One party is made up of those who fear and distrust the people and wish to draw all powers from them into the hands of higher classes. The second party is those who identify themselves with the people, have confidence in the people, cherish and consider these the most honest and safe persons."

I consider myself to be part of that second party. That's why I voted for bills that came out of the Judiciary Committee, in which the chairman of the Judiciary Committee and the Senator from the 33rd District spoke so eloquently. As he stated, we all swore an oath under Article XI, Section 1. We don't just get to make emotional decisions. We have to follow the law.

**Committee Reports**

The Committee on Commerce and Labor reported

**House Bill No. 6035, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2006 PA 117.

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

**House Bill No. 5061, entitled**

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA 50, and by adding section 11a.

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.

Jason E. Allen

Chairperson

## To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, June 6, 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 Gaming and Casino Oversight submitted the following:

Meeting held on Wednesday, June 7, 2006, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Bishop, Olshove and Whitmer

Excused: Senator Birkholz

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, June 7, 2006, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), George, Whitmer and Jacobs

Excused: Senator Patterson

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, June 8, 2006, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Brown (C) and Stamas

Excused: Senator Clarke

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 8, 2006, at 9:05 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Goschka, Hardiman, Prusi and Cherry

Excused: Senators Cropsey and Clarke

**Scheduled Meetings**

**Economic Development, Small Business and Regulatory Reform -** Wednesday, June 14, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:15 p.m.

The Associate President pro tempore, Senator Barcia, declared the Senate adjourned until Tuesday, June 13, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

