

No. 61
STATE OF MICHIGAN
Journal of the Senate

93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, June 20, 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 not present.

Allen—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—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

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:
Our prayer is for the children, little ones so small,
Who suffer neglect, abuse, and pain behind a silent wall.
Please protect and comfort them:
Let your presence calm their fear.
Give them the courage to tell someone,
Help all of us to hear.
Instill in each one of us to remember them in our prayers.
Please give them hope and
Let them know a nation truly cares.
For the love of a child. Amen.

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

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

10:54 a.m.

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

During the recess, Senators Gilbert, Allen, Stamas, Leland, George, Jelinek, Sikkema, Hammerstrom, Van Woerkom, Kuipers, Cassis, McManus, Brown, Patterson, Hardiman, Johnson, Bishop, Cropsey, Birkholz and Sanborn entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that consideration of the following bill be postponed for today:
Senate Bill No. 246
The motion prevailed.

Senator Hammerstrom moved that a letter be transmitted to the House of Representatives concurring with their request that the Governor return the following bill:
Enrolled House Bill No. 4596
The motion prevailed.

The following communication was received:

June 20, 2006

Gary L. Randall
Clerk of the House of Representatives
State Capitol
Lansing, MI 48913

Dear Mr. Randall:

This is to notify you that the Senate concurs with the request of the House of Representatives that the Governor return Enrolled House Bill No. 4596.

Sincerely,
Carol Morey Viventi, J.D.
Secretary of the Senate

The communication was referred to the Secretary for record.

The following communication was received:
Department of Human Services

June 8, 2006

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following report:

| <u>Type of Report</u> | <u>Facility</u> | <u>Report #</u> | <u>License #</u> |
|-----------------------|-----------------|-----------------|------------------|
| Special Investigation | Woodland Center | 2006C0207010 | CS470245817 |

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

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 Thursday, June 15:
House Bill Nos. 5800 5914 5915 6116

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 16, for her approval the following bills:

Enrolled Senate Bill No. 297 at 9:52 a.m.
Enrolled Senate Bill No. 861 at 9:54 a.m.
Enrolled Senate Bill No. 1146 at 9:56 a.m.
Enrolled Senate Bill No. 1147 at 9:58 a.m.
Enrolled Senate Bill No. 689 at 10:00 a.m.

The Secretary announced that the following official bills were printed on Thursday, June 15, and are available at the legislative website:

Senate Bill Nos. 1303 1304 1305 1306 1307 1308
House Bill Nos. 6192 6193 6194 6195 6196 6197 6198 6199 6200 6201 6202 6203 6213

The Secretary announced that the following official bills were printed on Friday, June 16, and are available at the legislative website:

Senate Bill Nos. 1309 1310 1311 1312 1313 1314
House Bill Nos. 6204 6205 6206 6207 6208 6209 6210 6211 6212 6214

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

Senate Bill No. 973

Senate Bill No. 974

Senate Bill No. 975

Senate Bill No. 976

Senate Bill No. 242

The motion prevailed.

The following message from the Governor was received and read:

June 19, 2006

Enclosed is a Special Message to the Second Session of the 93rd Michigan Legislature. This message transmitting information on the affairs of state and recommending measures I consider necessary and desirable is presented to the Michigan Senate pursuant to Section 17 of Article V of the Michigan Constitution of 1963.

Respectfully,
Jennifer M. Granholm
Governor

**Special Message
To the 93rd Michigan Legislature**

New Merit Award Scholarship

June 19, 2006

To the Members of the 93rd Michigan Legislature:

I am writing pursuant to Section 17 of Article V of the Michigan Constitution of 1963 to urge your adoption of legislation establishing a new Merit Award scholarship before you begin your summer recess. I believe this measure is not only necessary and desirable, it is critical to Michigan's economic future. Enactment of the New Merit Award will send a powerful signal to employers across the country and around the globe-Michigan will have the nation's best educated workforce.

This legislation is a direct response to the central recommendation of the Cherry Commission on Higher Education and Education and Economic Growth-that Michigan must make post-secondary education universal. Students may choose to attend four year colleges and universities, community colleges, or participate in technical training programs, but they must continue their education beyond high school. Their prosperity and Michigan's prosperity depend on it.

The New Merit Award would allow any student who pursues education beyond high school to earn a \$4,000 scholarship, enough to pay for a two year associate degree at a Michigan community college. That means all our children will grow up knowing that they have the resources to get the college degree or technical certification they need to get a good-paying job.

The proposal that resulted from bi-partisan discussions in the Michigan Senate combines the best features of the current Michigan Merit Award scholarship with an approach that also will provide encouragement and financial support to the majority of our students-those who do not qualify for the current Merit Award based solely on standardized test scores. Those students also need to continue their education and must have the opportunity to demonstrate "merit" the way it is defined and valued in the marketplace-through achievement in college and technical training. Proposed legislation to implement this proposal will be transmitted to legislative leaders today.

It was just a few weeks ago that I was able to join with legislative leaders from both parties to sign the historic legislation making our high school graduation requirements among the most rigorous in the nation. We achieved that goal in short order by forgoing partisanship and focusing on Michigan's future. Now that we have taken this step to ensure that all our students are ready for success beyond high school, we must also be prepared to support their aspirations to higher education. The new Merit Award legislation does just that.

Every day action is delayed on the New Merit Award is a day that Michigan is not gaining more ground in the battle for jobs and economic growth.

Respectfully,
Jennifer M. Granholm
Governor

The message was referred to the Secretary for record.

The following messages from the Governor were received:

Date: June 16, 2006

Time: 11:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 837 (Public Act No. 185), being

An act to amend 1995 PA 279, entitled “An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 20 (MCL 431.320), as amended by 2006 PA 42.

(Filed with the Secretary of State on June 19, 2006, at 8:52 a.m.)

Date: June 16, 2006

Time: 11:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1184 (Public Act No. 186), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1752.

(Filed with the Secretary of State on June 19, 2006, at 8:54 a.m.)

Date: June 16, 2006

Time: 11:37 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1133 (Public Act No. 189), being

An act to amend 1941 PA 207, entitled “An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts,” by amending sections 1, 2, 2a, 2b, 2c, 3b, 3c, 3e, 4, 5a, 5c, 5d, 5e, 5g, 5h, 5i, 5j, 5n, 5o, 5p, 6, 10, 16, 21b, 21c, 21d, 23, 24, 26, 28, 29, 30, 31, and 32 (MCL 29.1, 29.2, 29.2a, 29.2b, 29.2c, 29.3b, 29.3c, 29.3e, 29.4, 29.5a, 29.5c, 29.5d, 29.5e, 29.5g, 29.5h, 29.5i, 29.5j, 29.5n, 29.5o, 29.5p, 29.6, 29.10, 29.16, 29.21b, 29.21c, 29.21d, 29.23, 29.24, 29.26, 29.28, 29.29, 29.30, 29.31, and 29.32), sections 1, 3b, 3c, 5a, 5c, 5d, 5e, and 31 as amended by 1996 PA 152, sections 2a and 21c as amended and sections 2b, 3e, and 5i as added by 1980 PA 247, section 2c as added by 1996 PA 147, section 4 as amended by 1980 PA 516, section 5g as

amended by 1987 PA 70, sections 5j, 5n, and 5o as added by 1981 PA 186, section 5p as added by 1986 PA 67, section 6 as amended by 2001 PA 32, and sections 26, 28, 29, 30, and 32 as added by 1982 PA 144, and by adding sections 1b, 1c, 1d, and 1e; and to repeal acts and parts of acts.

(Filed with the Secretary of State on June 19, 2006, at 9:00 a.m.)

Date: June 16, 2006

Time: 11:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1134 (Public Act No. 191), being

An act to amend 1978 PA 170, entitled “An act to provide for a state arson strike force unit and to prescribe the powers and duties of the strike force unit and the department of state police,” by amending section 2 (MCL 28.72).

(Filed with the Secretary of State on June 19, 2006, at 9:04 a.m.)

Date: June 16, 2006

Time: 11:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1135 (Public Act No. 193), being

An act to amend 1945 PA 327, entitled “An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state, by political subdivisions, or by public airport authorities; providing for the incorporation of public airport authorities and providing for the powers, duties, and obligations of public airport authorities; providing for the transfer of airport management to public airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics,” by amending section 204 (MCL 259.204).

(Filed with the Secretary of State on June 19, 2006, at 9:08 a.m.)

Date: June 16, 2006

Time: 11:49 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1136 (Public Act No. 195), being

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

sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 20155, 20156, and 22210 (MCL 333.20155, 333.20156, and 333.22210), section 20155 as amended by 2001 PA 218, section 20156 as amended by 1990 PA 179, and section 22210 as amended by 1993 PA 88; and to repeal acts and parts of acts.

(Filed with the Secretary of State on June 19, 2006, at 9:12 a.m.)

Date: June 16, 2006

Time: 11:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1137 (Public Act No. 197), being

An act to amend 1984 PA 192, entitled “An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending section 3 (MCL 338.973).

(Filed with the Secretary of State on June 19, 2006, at 9:16 a.m.)

Date: June 16, 2006

Time: 11:57 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1138 (Public Act No. 199), being

An act to amend 1937 PA 306, entitled “An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 1b, 3, 4, and 5a (MCL 388.851b, 388.853, 388.854, and 388.855a), section 1b as added by 2002 PA 628.

(Filed with the Secretary of State on June 19, 2006, at 9:20 a.m.)

Date: June 16, 2006

Time: 12:01 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1139 (Public Act No. 201), being

An act to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 10, 11, and 20 (MCL 400.710, 400.711, and 400.720), sections 10 and 20 as amended by 1986 PA 257 and section 11 as amended by 1992 PA 176.

(Filed with the Secretary of State on June 19, 2006, at 9:24 a.m.)

Date: June 16, 2006

Time: 12:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1140 (Public Act No. 203), being

An act to amend 1942 (1st Ex Sess) PA 9, entitled “An act providing for compensation to certain fire fighters injured in the safeguarding of life and property, and payment to the surviving spouse and dependents in case of death; and to make an appropriation therefor,” by amending section 1 (MCL 419.201).

(Filed with the Secretary of State on June 19, 2006, at 9:28 a.m.)

Date: June 16, 2006
Time: 12:09 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1141 (Public Act No. 205), being

An act to amend 1944 (1st Ex Sess) PA 52, entitled “An act to provide for the establishment of and quieting the title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood or other major disaster, and to establish the procedure therefor and to provide an appropriation to pay certain costs thereof,” by amending section 16 (MCL 561.16).

(Filed with the Secretary of State on June 19, 2006, at 9:32 a.m.)

Date: June 16, 2006
Time: 12:13 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1142 (Public Act No. 207), being

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending sections 138, 140, and 146 (MCL 330.1138, 330.1140, and 330.1146), section 138 as amended by 1995 PA 290.

(Filed with the Secretary of State on June 19, 2006, at 9:36 a.m.)

Date: June 16, 2006
Time: 12:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1143 (Public Act No. 209), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties 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,” by amending section 243b (MCL 750.243b).

(Filed with the Secretary of State on June 19, 2006, at 9:40 a.m.)

Date: June 16, 2006
Time: 12:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1144 (Public Act No. 210), being

An act to amend 1988 PA 456, entitled “An act to provide certain immunity from civil action to certain instructors,” by amending section 1 (MCL 29.401).

(Filed with the Secretary of State on June 19, 2006, at 9:42 a.m.)

Date: June 16, 2006
Time: 12:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1145 (Public Act No. 211), being

An act to amend 1988 PA 457, entitled “An act to provide certain immunity from civil liability to certain institutions of higher education and health facilities and employees of institutions of higher education and health facilities,” by amending section 2 (MCL 29.412).

(Filed with the Secretary of State on June 19, 2006, at 9:44 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

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

Senate Bill No. 875

Senate Bill No. 693

The motion prevailed.

Senate Bill No. 1112, entitled

A bill to amend 1917 PA 167, entitled "An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act," by amending section 85a (MCL 125.485a), as added by 2003 PA 307.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1).

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

Senate Bill No. 1120, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 13 and 25 (MCL 123.743 and 123.755), section 25 as amended by 2002 PA 407.

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. 1282, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2003 PA 311.

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. 541, entitled

A bill to regulate the transfer of structured settlement rights; to place conditions on the transfer of structured settlement rights; to establish a procedure for approval of transfer of structured settlement rights; and to repeal acts and parts of acts.

Substitute (H-1).

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

Senator Sanborn offered the following amendment to the substitute:

1. Amend page 5, line 9, after "rights." by striking out the balance of the subdivision.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 525**Yeas—38**

| | | | |
|---------------|-------------|-----------|-------------|
| 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 | Hardiman | Sanborn | Whitmer |
| Clark-Coleman | Jacobs | | |

Nays—0**Excused—0****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.

Senate Bill No. 1202, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 5 (MCL 445.65) and by adding section 5a.

(For text of amendment, see Senate Journal No. 60, p. 1343.)

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

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

Roll Call No. 526**Yeas—38**

| | | | |
|---------------|-------------|-----------|-------------|
| 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 | Hardiman | Sanborn | Whitmer |
| Clark-Coleman | Jacobs | | |

Nays—0**Excused—0**

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

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

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

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

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

House Bill No. 5479, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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. 6084, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 248f, 302, 302a, 303, 306, 307, 307a, 312e, 312f, 314, 319b, 319f, 319g, 324, 732, 801c, 811k, and 907 (MCL 257.248f, 257.302, 257.302a, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.314, 257.319b, 257.319f, 257.319g, 257.324, 257.732, 257.801c, 257.811k, and 257.907), section 248f as added by 1993 PA 300, section 302 as amended by 1991 PA 100, section 302a as added by 1990 PA 181, sections 303 and 307 as amended by 2005 PA 142, sections 306, 312e, 312f, and 314 as amended by 2004 PA 362, section 307a as added by 1988 PA 346, sections 319b, 319g, and 732 as amended by 2004 PA 495, section 319f as added by 1996 PA 404, section 324 as amended by 2001 PA 159, section 801c as amended by 1980 PA 281, section 811k as added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and by adding section 303a.

Substitute (S-2).

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

1. Amend page 70, following line 15, by inserting:

"(H) A VIOLATION OF SECTION 311 IF THE PERSON WAS DRIVING A NONCOMMERCIAL VEHICLE AND, BEFORE THE COURT APPEARANCE DATE OR THE DATE FINES ARE TO BE PAID, THE PERSON SUBMITS PROOF TO THE COURT THAT HE OR SHE HELD A VALID DRIVER LICENSE ON THE DATE THE CITATION WAS ISSUED."

2. Amend page 72, following line 9, by inserting:

"Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of this act.

(2) The following courts shall have jurisdiction over civil infraction actions:

(a) The district court.

~~(b) The recorder's court of the city of Detroit—traffic and ordinance division.~~

(B) (⇌) Any municipal court.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8312.**

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

Sec. 743. (1) A citation issued pursuant to section 742 shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) The citation shall inform the defendant to the effect that he or she, at or by the time specified for appearance, may:

(a) Admit responsibility for the civil infraction in person, by representation, or by mail.

(b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.

(c) Deny responsibility for the civil infraction by doing either of the following:

(i) Appearing in person for an informal hearing before a district court magistrate, ~~a referee of the recorder's court of the city of Detroit—traffic and ordinance division~~, or a judge; without the opportunity of being represented by an attorney.

(ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.

(4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance.

(5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district, ~~by a referee of the recorder's court of the city of Detroit—traffic and ordinance division~~, or by a judge of a court listed in section 741(2). A ~~referee or~~ district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge, ~~referee~~, or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) If the judge, ~~referee~~, or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, ~~referee~~, or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances an appeal shall be de novo in the form of a scheduled formal hearing as follows:

(a) The appeal from a judge of the district court or ~~recorder's court of the city of Detroit—traffic and ordinance division~~ shall be heard by a different judge of the district. ~~or of the traffic and ordinance division.~~

(b) The appeal from a district court magistrate shall be heard by a judge of the district.

~~(c) The appeal from a referee shall be heard by a judge of the recorder's court of the city of Detroit traffic and ordinance division."~~

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 proceeded to the order of
Statements

Senators Kuipers, Leland, Cherry, Scott and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Kuipers' statement is as follows:

I consider it one of the greatest privileges of my office to solemnly honor the lives of fallen soldiers in our State Capitol. Today we honor the life of Sergeant First Class Richard J. Herrema.

In a time when many talk of patriotism, love of country, and honor, Rick Herrema lived it. Born March 28, 1979, in Grand Rapids, Rick graduated from Unity Christian High School in 1997. After a time of ranching in Colorado, Rick joined the U.S. Army as an infantryman in 1999. Following his basic training, Rick was assigned to Company B, 3rd Battalion, 327th Infantry Brigade, 101st Airborne Division, stationed in Fort Campbell, Kentucky. After completion of the Special Forces Qualification Course in 2003, his last assignment was as a team member with the U.S. Army Special Operations Command stationed in Fort Bragg, North Carolina.

Sergeant First Class Richard J. Herrema was killed in Iraq on April 25, 2006, in combat operations against known enemies of the United States of America. He died defending the country he loved and the soldiers with whom he served. Rick was a member of Forest Grove Christian Reformed Church and always relied on his Christian faith. He believed in the cause for which he fought and was admired and respected by all who met him. Rick is survived by his parents Richard and Mary Herrema, his sisters Katie Lynn and Janie Lynn, as well as many other family members and dear friends. Rick Herrema was strong in life and death, and his loved ones may now be confident that he rests in the embrace of Almighty God.

While words cannot express the depth of sympathy and gratitude that we wish to convey for all that the Herrema family has given and the magnitude of the sacrifice Rick made, we offer our most sincere condolences upon the death of your beloved son, brother, and grandson.

A prayer for your family was written many years ago to a grieving mother by our great President Abraham Lincoln: "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours, to have laid so costly a sacrifice upon the altar of Freedom." President Abraham Lincoln in his letter to Mrs. Lydia Bixby, November 21, 1864.

Sergeant First Class Richard J. Herrema was and will forever be a hero to us all. May the abundant mercies of God and the nobility of the cause in which Rick served provide you, the family, with comfort in this difficult time. Our prayers are certainly with you.

Colleagues, the Herrema's are here today. I would ask that they be recognized and that the Senate rise in a moment of silence to honor the memory of their son, Richard J. Herrema.

A moment of silence was observed in memory of Army Sergeant First Class Richard J. Herrema.

Senator Leland's statement is as follows:

Madam President and members, there was an article in yesterday's *Detroit Free Press* on the editorial page which was a very disturbing article, and it made me want to reflect for a moment on some comments that Chairman Cropsey made last week regarding the Parole Board.

First of all, I would agree with the comments that the chairman made about the Parole Board. I do believe that they are doing the job that they have to do, considering the amount of inmates who are in our correctional facilities. I don't think the problem is really with the Parole Board. I think the problem is that we have too many people in prison.

Chairman Cropsey and I, 25 years ago, together sat on the House Corrections Committee. At that time, there were 12,000 people in our correctional facilities, back in 1981. Today, there are over 50,000 prisoners in our correctional facilities. The budget back when the chairman and I sat together on that committee was \$250 million. The budget today for Corrections is \$1.9 billion. Even if you factor in the CPI, that's at least twice what it should be.

To put this in perspective, the Corrections budget takes up almost 20 percent of our General Fund; almost 20 percent of our General Fund is what we spend on Corrections. Again, just to put that in perspective, the state of Minnesota spends 2.7 percent of their budget on corrections. Most of our inmates in this system right now were put there during good economic times. Too many of our prisoners are there for the wrong reason and they don't need to be there. Many are there for drugs; many are there because they didn't have good legal representation. Justice in this country has

always been for those who can afford to pay for justice. The case in point was about ten years ago, the famous case of O.J. Simpson. O.J. is out playing golf today because he was able to afford the price of justice.

Another case in point regarding the article that was in the *Free Press* yesterday was about a young person named Lloyd Martell. Mr. Martell was pulled over in Redford Township. Before he was pulled over, he fled the Redford Township Police. The reason why they wanted to stop him was because he had a broken window—a broken window. A pursuit proceeded and he was eventually apprehended. Now, I drive through Redford Township a lot. As a matter of fact, one of my Chrysler products has a broken window. I've been driving through Redford Township for many, many years with that broken window. I've never been stopped. You have to wonder if there was a little profiling going on there with Mr. Martell.

You know, I've been here a long time—25 years—and over the course of 25 years, I've seen this Legislature continue to criminalize issues—too many issues. I hope I didn't vote for most of those issues. We have a system of laws that locks up our citizens at an alarming rate. I would say that it is almost parallel with some Third World countries. It's certainly parallel with some of our Southern states.

I'm leaving this place soon and I hope that when I'm gone that future Legislatures can come to grips with this legal system and this outrageous lock-up mentality that this Legislature and the state of Michigan has.

Senator Cherry's statement is as follows:

The Legislature and Governor Granholm have worked hard in Michigan to improve our economy. We all know that one of the best ways to do that is to have the best educated workforce in the country. That is critical to economic development, and we, of course, need to be competitive on taxes. But Michigan will win the battle for jobs and economic growth the way we have in the past by having a skilled labor force and a strong work ethic. To achieve that goal, we have to help all our young people understand that they all need to continue their education beyond high school. We all in this body have worked toward that. That education could be a four-year degree; it could be a two-year degree from a community college or technical school. But one thing that we do know, in today's economy, high school is just not enough for virtually all good-paying jobs.

Governor Granholm's New Merit Award scholarship program, which she talked about in her State of the State, will give all kids in Michigan the motivation and the means to continue their education. It motivates them by letting them know that they can afford higher education. Today many of our kids grow up thinking they can't. It provides them the means by giving every kid—not just those who score well on the MEAP test—the ability to earn a \$4,000 scholarship. That's enough to pay for a two-year community college degree.

All children in Michigan will have the means to obtain at least a two-year degree and that degree is the ticket to scores of good-paying jobs. It means universal access to a college degree. Others will use the Merit Award to continue to a four-year degree and beyond.

Two months ago, we worked together to make sure all our high school students take the courses in high school that will prepare them for success in college and on the job. Now we have to take the next step by enacting this new scholarship so that all kids in Michigan will know the door of educational opportunity is open for them.

This legislation has been revised to address the concerns raised by Senate Republicans in bipartisan discussions last year. I hope that we can move forward now because this really can be a tremendous bipartisan achievement that all of us, along with the parents and children of Michigan, can celebrate.

Senator Scott's statement is as follows:

I wish to give a couple of stories from my website. This is from Detroit: "Unfair insurance rate should not be the reason citizens chose not to live in certain areas or chose not to buy certain cars that they could otherwise afford to have."

The other one is from Grosse Pointe Woods: "I have four drivers in my family and two of them are teenage drivers. The cost is bankrupting me."

Also, yesterday, there was a woman who called into the radio indicating that her insurance for her homeowners and car insurance had gone up over \$1,000 for both premiums because she had had an accident that was not her fault. She had a break-in and it was not her fault, but yet, her insurance premiums had gone up.

So I think we really do need to have this task force so that we can study the insurance for the whole state of Michigan.

Senator Cropsey's statement is as follows:

I just wanted to say I do appreciate the Senator from the 5th District and his remarks today. It is good working with him in the Senate, and it was good working with him in the House when we both served on the Corrections Committee together. I do think that we both realize that the Parole Board issue is a tough issue, and I know he didn't speak to that issue so much as some of the other issues. I do want to go back to the issue on the Parole Board though—how the Parole Board operates and some of the misconceptions that we have.

Prisoner advocates appear to want us to believe four unspoken, dangerous assumptions that I have referred to in the past to justify releasing prisoners the Parole Board has deemed too dangerous to release.

I want to go into one of those assumptions and this is a very key assumption. The first apparent assumption that they would have you believe is focus on the conviction and ignore real-life criminality. In other words, assume every prisoner has committed no crimes except the crimes for which they were convicted.

My office has a very thick file of reports and news articles driven by the Citizens Alliance on Prisons and Public Spending, or CAPPs. We spend a lot of time running down the so-called facts and the soft, warm prisoner biographies. And, frequently, these so-called facts and biographies ignore real life and present a distorted view. CAPPs has a history of profiling prisoners they believe will win public sympathy, and then use that sympathy to call for the release of everyone who qualifies. As they state in their booklet on “No Way Out: Michigan’s Parole Board Redefines the Meaning of Life,” and I quote, “The 20 prisoners whose stories are told here represent about 850 Michigan lifers who are currently eligible for parole...Their situations exemplify the issues raised in this report.”

If you look further at the prisoner profiles publicized by CAPPs, you’ll further see that they tend to ignore or downplay prior convictions that landed the prisoner in prison, and they even more rarely mention any local record of misdemeanors or felony diversions. Since about 80 percent of felons don’t go to prison, this focus on MDOC sentences usually ignores a stunningly large number of crimes and convictions.

A 2005 Department of Justice rape victimization study concluded that less than 20 percent of all forcible rapes are reported. Based on prisoner self-reporting, the RAND Corporation estimates that the average felon has committed over 100 crimes before being caught. The good news is many of those crimes are relatively minor. However, the bad news is, among the crimes, and these would be major ones, includes over 80 percent of all forcible rapes and over 50 percent of all rapes against children. And the vast majority of lifers are murderers or rapists.

Let me give you an example of ignoring crime from the latest CAPPs report entitled, “Foreign Nationals in Michigan Prisons: An Examination of the Costs.” They mention Hanna Nasr, who sold a kilo of heroin and is soon eligible for parole under the drug law changes of four years ago. Under the assumption that you only look at the instant conviction, they point out he has no prior convictions, but fail to answer how much heroin Mr. Nasr had to sell in order to reach the kilo threshold. No one wakes up and says, “I think I’ll sell heroin today for the first time. I’ll start with a kilo that costs \$130,000.” Social wreckage of that much heroin is ignored. They also fail to mention a letter from the Macomb County prosecutor objecting to parole. Let me quote the pertinent statement, “Mr. Nasr was involved in a five-defendant heroin conspiracy that used the profits gleaned by drug sales to finance military operations in certain Middle East factions.”

The heroin sales were ongoing. Nasr promised these new undercover buyers a kilo every two weeks. This was not a first offense; it was a first conviction, true to the RAND findings of real-life criminality. CAPPs would have you deport to freedom a fundraiser of violence.

My point today is that this apparent unspoken assumption—focus on the conviction and ignore real-life criminality—is a dangerous assumption. The handouts I’ve distributed further point out just how dangerous this assumptions is.

Senator Jacobs moved that she be named co-sponsor of the following bill:

Senate Bill No. 1202

The motion prevailed.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Cropsey, George, Hammerstrom, Kuipers and Goschka introduced

Senate Bill No. 1315, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1350a.

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

Senators Sanborn, George, Hammerstrom, Kuipers, Bishop and Goschka introduced

Senate Bill No. 1316, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1332 (MCL 600.1332), as amended by 2004 PA 12.

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

Senators Bishop, George, Hammerstrom, Kuipers and Goschka introduced

Senate Bill No. 1317, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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

Senators George, Allen, Hammerstrom, Kuipers and Goschka introduced

Senate Bill No. 1318, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2170.

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

Senators George, Allen, Hammerstrom and Goschka introduced

Senate Bill No. 1319, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1350c.

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

Senators George, Hammerstrom, Kuipers and Goschka introduced

Senate Bill No. 1320, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1332 (MCL 600.1332), as amended by 2004 PA 12.

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

Senators George, Hammerstrom and Goschka introduced

Senate Bill No. 1321, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2004 PA 205 and section 8371 as amended by 2003 PA 178.

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

Senators George, Hammerstrom, Kuipers and Goschka introduced

Senate Bill No. 1322, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1344, 2529, and 8371 (MCL 600.1344, 600.2529, and 600.8371), section 1344 as amended by 2002 PA 739, section 2529 as amended by 2004 PA 205, and section 8371 as amended by 2005 PA 151.

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

Senators George and Goschka introduced

Senate Bill No. 1323, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1350b; and to repeal acts and parts of acts.

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

House Bill No. 5800, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20i. 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. 5914, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 135a. 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. 5915, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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. 6116, entitled

A bill to amend 1959 PA 54, entitled "An act to provide for the disposition and sale of certain stolen property recovered by any county sheriff; and to provide for the disposition of the proceeds of sale and certain other property," by amending section 1 (MCL 434.171), as amended by 1984 PA 257.

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 Local, Urban and State Affairs.

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 52.

A concurrent resolution to increase the total project cost of the Information Technology Center and Center for Health Professions Renovation project at Jackson Community College.

(For text of resolution, see Senate Journal No. 59, p. 1336.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 14, 2006, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Jelinek and McManus

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1284, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 2006 PA 22.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5056, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 4 (MCL 125.1654), as amended by 2005 PA 115.

With the recommendation that the bill pass.

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

Alan Sanborn
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, June 14, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Finance reported

Senate Bill No. 65, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj.

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.

Nancy Cassis
 Chairperson

To Report Out:

Yeas: Senators Cassis, McManus and Thomas

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 Finance submitted the following:

Meeting held on Wednesday, June 14, 2006, at 12:12 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

The Committee on Education reported

Senate Bill No. 1305, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 404a.

With the recommendation that the bill pass.

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

Wayne Kuipers
 Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 6069, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1225 (MCL 380.1225), as amended by 2002 PA 246.

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, Clark-Coleman and Leland

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, June 15, 2006, at 12:00 noon, Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 15, 2006, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Oversight of the 21st Century Jobs Funds (SCR 38) submitted the following:

Meeting held on Thursday, June 15, 2006, at 1:30 p.m., Room 519, South Tower, House Office Building

Present: Senators Bishop, Gilbert and Switalski

Excused: Senator Garcia (C)

Scheduled Meetings

Appropriations - Wednesday, June 21, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, June 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Thursday, June 22, 8:30 a.m., Room 100, Farnum Building (373-2413)

Finance - Wednesday, June 21, 12:00 noon, Room 110, Farnum Building (373-1758)

Legislative Council - Wednesday, June 21, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:40 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 21, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

