

No. 30
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, March 23, 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—excused
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

Reverend Dr. Robert Renberg, Jr., of Parkside Bible Church of Holland offered the following invocation:

Almighty God and Heavenly Father, we are thankful for another day of Your grace and provision in our lives; for the safety in travel here this morning and the blessing of health and opportunity. As we rejoice in this day that You have made, as we see the change of seasons from winter to spring and its promise of new life and new beginnings, we pause to thank You for Your unchanging nature and mercy.

We praise You for the privilege of leadership in this great country that has enjoyed Your favor and ask for wisdom in the discharge of our duties this season. I want to pray for each person here in this place to whom You have given the authority and watch care over lives in our state. May the decisions they consider and make today honor You and allow the citizens they represent to live quiet and peaceful lives, to enjoy life, liberty, and the pursuits of happiness within the scope of divine morality and biblical truth.

We do also pray for President Bush and the other national branches of government during this time and ask Your continued blessing of our country and our commitment to freedom and opportunity. We continue to pray for the safety of our troops in their efforts to secure those same freedoms and opportunity for those who have been oppressed by evil tyranny in other lands. We also pray for the families of those in harm's way to have peace and know how proud we are of their loved ones who serve.

May You be honored in all that is said and done here today, as nothing is hidden from You. We ask to have compassion for the truly needy and disadvantaged; that our hearts would be tender towards the special needs of those who are hurting and helpless and have no voice but these; and for courage to stand for our convictions as they reflect Your character and holy Word.

This, we ask in Your name for Your glory and honor. Amen.

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

Motions and Communications

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

Senator Schauer moved that Senator Barcia be excused from today's session.
The motion prevailed.

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

Senator Hammerstrom moved that Senators Johnson and Goschka be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5648

House Bill No. 5649

House Bill No. 5650

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

Senators Goschka and Johnson entered the Senate Chamber.

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

March 22, 2006

Pursuant to Public Act 34 of 2006, Section 32803(1)(e)(i), I am appointing Scott D. Piggott of 5226 N. Wacousta, Fowler, Michigan 48835, County of Clinton to the groundwater conservation advisory council. If you have any questions please call Bill Sullivan in my office at 373-0797.

Respectfully,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

March 21, 2006

Enclosed is a copy of the following audit report:
Performance audit of the Receipts Processing Division, Department of Treasury.

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, March 22:
House Bill Nos. 4478 5492 5493 5538 5682 5747 5748 5750

The Secretary announced that the following official bills were printed on Wednesday, March 22, and are available at the legislative website:

Senate Bill Nos. 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183
House Bill Nos. 5893 5894 5895 5896 5897 5898 5899 5900 5901 5902

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. 242

Senate Bill No. 599

The motion prevailed.

Senate Bill No. 859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2003 PA 140.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 866, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

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. 1124, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278a. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and

to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1278a; and to repeal acts and parts of acts.

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

House Bill No. 4643, 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 51 (MCL 28.4251), as amended by 2005 PA 262.

The House of Representatives has substituted (H-2) the Senate substitute (S-4).

The House of Representatives has concurred in the Senate substitute (S-4) as substituted (H-2) and agreed to the title as amended.

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

Senator Hammerstrom moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 1124

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

Senate Bill No. 1124, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1278a. Substitute (H-2).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 164

Yeas—1

Whitmer

Nays—35

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

Excused—2

Barcia

Leland

Not Voting—0

In The Chair: President

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 Brater as Chairperson.

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

House Bill No. 5256, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1998 PA 410.

House Bill No. 5497, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2005 PA 247.

Senate Bill No. 1147, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16j of chapter XVII (MCL 777.16j), as added by 1998 PA 317.

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

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

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

Senate Bill No. 709, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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:

Senate Bill No. 717, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 718, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1122, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2003 PA 75, and by adding section 7b.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1146, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 199 (MCL 750.199).

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 amendments, the following bill:
House Bill No. 5648, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 478 (MCL 168.478).

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

1. Amend page 1, line 4, after "by" by striking out "**THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS OR**".

2. Amend page 2, line 3, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 973.
- (b) Senate Bill No. 974.
- (c) Senate Bill No. 975.
- (d) Senate Bill No. 976.
- (e) House Bill No. 5649.
- (f) House Bill No. 5650."

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 amendments, the following bill:
House Bill No. 5649, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 479 (MCL 168.479).

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

1. Amend page 1, line 2, after the first "**THE**" by striking out "**FOURTH DISTRICT OF THE STATE COURT OF APPEALS, THE**".

2. Amend page 1, line 3, after "**CANVASSERS**" by striking out the comma.

3. Amend page 1, line 6, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 973.
- (b) Senate Bill No. 974.
- (c) Senate Bill No. 975.
- (d) Senate Bill No. 976.

- (e) House Bill No. 5648.
- (f) House Bill No. 5650.”.

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 amendments, the following bill:

House Bill No. 5650, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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

1. Amend page 1, line 1, after “The” by striking out the balance of the line through “**APPEALS**” on line 2 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
2. Amend page 1, line 5, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
3. Amend page 1, line 6, after “**UNLESS**” by striking out “**IT**” and inserting “**HE OR SHE**”.
4. Amend page 2, line 1, after the first “**THE**” by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
5. Amend page 2, line 3, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
6. Amend page 2, line 16, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
7. Amend page 2, line 16, after “makes” by striking out “its” and inserting “**HIS OR HER**”.
8. Amend page 2, line 18, after “The” by striking out the balance of the line through “**APPEALS**” on line 19 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
9. Amend page 2, line 22, after “canvass.” by striking out the balance of the bill and inserting:
“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:
(a) Senate Bill No. 973.
(b) Senate Bill No. 974.
(c) Senate Bill No. 975.
(d) Senate Bill No. 976.
(e) House Bill No. 5648.
(f) House Bill No. 5649.”.

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.

During the Committee of the Whole, Senator Leland entered the Senate Chamber.

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:

- House Bill No. 5648**
- House Bill No. 5649**
- House Bill No. 5650**
- House Bill No. 5606**

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

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

- House Bill No. 5648**
- House Bill No. 5649**
- House Bill No. 5650**
- House Bill No. 5606**
- Senate Bill No. 973**
- Senate Bill No. 974**

Senate Bill No. 975
Senate Bill No. 976
Senate Bill No. 376
House Bill No. 4398
House Bill No. 4161
Senate Bill No. 1110
House Bill No. 5620
House Bill No. 4838
House Bill No. 5282
 The motion prevailed.

The following bill was read a third time:

House Bill No. 5648, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 478 (MCL 168.478).

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. 165

Yeas—21

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—15

Basham	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman	Leland	Scott	

Excused—1

Barcia

Not Voting—1

Johnson

In The Chair: Birkholz

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.

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 166**Yeas—26**

Allen	Emerson	Jacobs	Sanborn
Birkholz	Garcia	Jelinek	Schauer
Bishop	George	Johnson	Sikkema
Brown	Gilbert	Kuipers	Stamas
Cassis	Goschka	McManus	Toy
Cherry	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—10

Brater	Leland	Scott	Thomas
Clark-Coleman	Olshove	Switalski	Whitmer
Clarke	Prusi		

Excused—1

Barcia

Not Voting—1

Basham

In The Chair: Birkholz

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

Protest

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5648 and moved that the first statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ first statement is as follows:

Let’s be honest. I think we all know what these bills are about. When the Republican members blocked an issue in 2002, we didn’t introduce a package of bills to curry favor with the press. We didn’t try to upset the balance or the duties of the constitutionally-required board. We recognized, as our constitutional framers recognized, that this would be a political board. We recognized that sometimes politics might enter into the equation. We trusted the court to correct any problems caused by political posturing by the board. You know what? That is exactly what happened.

This board usually works and when it doesn't work or when people think it doesn't work, they can go to the courts and challenge those actions. You know, I don't agree with how the board acted in this matter. Sometimes my constituents don't agree with what I do or with what the majority does or the Governor. Disagreement is normal in politics. Our framers recognized that when they created a four-member board and did not allow more than two people from the same political party. That is a sound structure and it normally works. But what we don't want to do is change the structure of this board or the way in which ballot questions are handled.

These bills put all those decisions in the hands of one civil servant. But it's not just any civil servant. It's one who directly answers to a partisan, political official. That's clearly not what our framers intended. Currently, the duties are spread out between the Governor, the Senate in its advisory role, and the Secretary of State. These bills remove the Governor and the Senate from the process. I'm not interested in going down that path just because I might disagree with something the board did. I disagree with the courts all the time, but I don't think we should throw out the judiciary and let the Attorney General decide everything.

Look, we've got work to do to help the people of this state. Let's stop this partisanship, this partisan bickering, and let's get to the work of really making Michigan a better state.

Senators Thomas, Cropsey and Jacobs asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Thomas' statement is as follows:

I'd like to add on to the previous remarks from my colleague from Huntington Woods. I'd like to point out another reason that this package is bad and flawed public policy. The bills also remove an important function of the board. We've listened to the debate on these ballot questions and somehow individuals have gotten the idea that it is improper for the board to investigate questions related to petitions. That is not the case.

Under current law, the board has an important investigatory role. The current law reads: "The board of state canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions." Now, clearly, that is a broad power, and it's an important one as well.

These people who feel like they were misled or lied to want to air those grievances. It is absolutely proper for the board to look into that issue. Citizens want to petition their government for a redress of their grievances.

Unfortunately, these bills give that hearing power to one individual, the director of elections. Now, he is a fine and honorable man, but as my colleague the previous speaker stated, he reports to one partisan elected official, the Secretary of State. There is no check and there is no balance of differing interests, as the constitutional framers had envisioned, if we give those duties to one person. If he feels like allowing people to speak to him, he can. If he doesn't feel like it, he can ignore them. That's not good public policy.

We all know that this is a partisan attempt to create an election-year wedge issue. For, once again, let's leave the partisanship behind and get down to doing the work of the people.

Senator Cropsey's first statement is as follows:

You guys ought to be ashamed of yourselves, calling yourselves Democrats. Demos of the people, but when the people sign petitions you're saying, "Oh no, we're not going to let them vote. We're going to hide behind our state Board of Canvassers. They shouldn't vote." Give me a break. This is not a partisan issue. This is an issue of are you going to let the people speak? Are you going to let the people vote? Are you going to let a board of government say no you can't vote on an issue? Everybody knows that; everybody understands that. We know that the system is broken. Let's be honest.

Are our elections important? Let's take a look at your state Constitution. Have you ever stopped to take a look at how your state Constitution is actually constructed? It starts out with a preamble. The preamble says, "We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings, undiminished to ourselves and our posterity, do ordain and establish this constitution." The preamble is a prayer to God, thanking Him, in essence, for the opportunities that we have as a free people to govern ourselves. The Constitution is set up to protect those freedoms.

What's the first article of the Constitution? It is a basic declaration of rights that the people have, that you have, that I have, that everyone of our constituents have. Guess what the second article is? Is the second article dealing with local government? No. Is the second article dealing with taxation? No. Is the second article dealing with private property? No. How about the judges; they're important aren't they? Is the second article dealing with the judges? No, actually the judges are about number six. What about the governorship? No, that's actually before the judges. What about the Legislature that speaks for the people you are elected to represent? Actually, we come before the Governor and the judges. Interesting how that's laid out. But you know what? We're not in the second article. Fact is, general government itself is the third article. You know what the second article is? It deals with elections and how the people directly speak to govern themselves. That's what the second article is, on letting the people speak before the Legislature speaks, before the Governor speaks, before the judges rule, before local government, before everything else.

After it's enshrined on their basic rights, then the people have the right to speak and that's done through the elections. That's more important than all the rest of government put together. There is a body that is set up that is supposed to protect that. That body is broken. It is taking away a basic fundamental constitutional right because in that article on elections, it talks about referendum and it talks about initiative.

The press understands this in spades. Let's be honest. You take a look at headline after headline and it looks on the people's right to govern themselves. *The Detroit News*, "Subversive canvassers cheat the state's voters. Board ignores democracy in refusing to put measure on the ballot." Now, aren't you proud of that as you stand there and defend that anti-democratic board?

The Detroit Free Press states, "Rule of Law. Canvassers must heed affirmative action order." Why did they have that? Because the state Board of Canvassers hasn't. *Grand Rapids Press*, "Board of Canvassers: Follow the law." Why don't the Board of Canvassers when they swear to take their oath of office to uphold the Constitution and the law. Why don't they do it? Then it goes on and states, "State election panel should comply with courts, not play politics, with anti-affirmative action initiative." The *Oakland Press*, "Governor should force state canvassers to do their duty." *Detroit Free Press*, "Leave it to Voters. Canvassers err on anti-affirmative action initiative." *Lansing State Journal*, "Board it up. State should shutter, or repair, canvassers panel." That is what we're doing, but you want to say, "Oh no, we don't want to do that. We want to let the system to continue to put roadblocks and hurdles in the path of the voters of the state of Michigan." The *Flint Journal*, "Election Law. Canvassers' board unneeded if it refuses to do its job." It's been refusing to do its job. The *Saginaw News*, "Defying the law isn't the answer. The state panel was wrong to not adhere to a court order to certify ballot initiative signatures. Two wrongs don't make a right." Not only did this board flaunt the people, but it also flaunted the courts. Talk about rule of law, that's anarchy. The *Oakland Press*, "Granholt should have fired state canvassers board pair." Did she do it? No. Are they still there? Yes. Does it need to be fixed? Yes. The *Lansing State Journal*, "Our opinions. Canvassers. Granholm appears too accepting of status quo on vote panel." I thought she was a Democrat who believes in the rule of the people? *Bay City Times*, "Anti-affirmative action plan has earned a place on the ballot," which was being denied by the state Board of Canvassers. How many more of these should I read? *Macomb Daily*, "Granholm should fire appointees for failing to follow court order." *Jackson Citizen Patriot*, "Siding with anarchy. State canvass board: Pair ought to resign."

I haven't seen one newspaper in this state get out there and say, "You know what? We think this is just partisan. The state board is doing a wonderful job." Everybody knows they aren't doing a wonderful job. Everybody knows the system is broken. When you take away the right of the people to vote, which is what this state board is trying to do and has tried to do, and then has defied court orders to try and do that, it's time that it was changed to make a system more responsive. By the way, the director of elections, I believe, was appointed by a Democrat Secretary of State. When I served on the state Board of Canvassers and I worked with the director of elections, it wouldn't have mattered if he had been appointed by a rabid Republican or a rabid Democrat; he knew what the law was. He knew what the duty was of the state board, and he would advise them to do what they were supposed to do. This is a fine public servant who has had the utmost respect for the process and for the law, and it's time that we took the politics out of it and that we let the people speak.

Right now, if you vote against this, what you're saying is that we think the state Board of Canvassers did the right thing. We think the process works when everybody knows it doesn't work, and it's the people who have the right to vote. Remember, that article of the Constitution comes before the article dealing with the Legislature, the Governor, and the judges. The people have a right to vote. Let them vote.

Senator Jacobs' second statement is as follows:

I just wish to quickly respond to the former speaker. I honestly think that we should not move forward with this legislation until we pass legislation making it illegal to give people false information; to misrepresent themselves when they are trying to get signatures on a petition. I was approached by a circulator in front of the Royal Oak post office on this petition drive. I was given misinformation when I told the person I was not going to sign this petition. They tried to make me feel badly saying, "What? Don't you want to protect the rights of minorities?"

We have to be sure that people don't sign petitions that change the law in Michigan without the right information. So until we can protect folks from that happening, we should not move forward with this. That is really the issue that we should be dealing with, not with the state Board of Canvassers. I think we really need to look at where this all began. I think we're putting the cart before the horse.

Senator Cropsey's second statement is as follows:

In response to the good Senator from the 14th District, what can we do to make an anti-fraud type of thing in this? I have an idea. Let's do something really smart. Let's say that when a person signs a petition, that petition must have on it the language of the law that is going to be changed. Wouldn't that be a wonderful idea? If you want to sign it without reading it, fine, you can. But if you want to read it, you can do that. You know what? That's what the petitions have. They have the language of the law that is going to be changed. If somebody signs it and they have signed it without reading it, then that is their problem. That is not anybody else's problem.

The only way you really look for fraud is to say that somebody signed somebody else's name because those petitions have on it the law as it is and the law as it is going to be changed under that petition. So it already has anti-fraud built into it. The only thing that needs to be checked into was, actually, does that signature match up with the signature of the elector; to say is that the actual signature of that person? Not what was going through the mind of that person when that person signed that petition.

So get that straight. There is anti-fraud from what your side of the aisle has been talking about. That's already built into the petitions themselves because everybody has the right before they sign it to read it to see what it says. Or are you saying that the voters are too stupid to know what they are signing? I refuse to believe that.

The following bill was read a third time:

House Bill No. 5649, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 479 (MCL 168.479).

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. 167

Yeas—21

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—15

Basham	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman	Leland	Scott	

Excused—1

Barcia

Not Voting—1

Johnson

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to

provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5650, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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. 168

Yeas—21

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—15

Basham	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer
Clark-Coleman	Leland	Scott	

Excused—1

Barcia

Not Voting—1

Johnson

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a.

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. 169

Yeas—36

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

Nays—1

Whitmer

Excused—1

Barcia

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. 973, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 32 (MCL 168.32); 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. 170**Yeas—21**

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—16

Basham	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman	Johnson	Schauer	Whitmer

Excused—1

Barcia

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. 974, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 474 (MCL 168.474).

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. 171**Yeas—21**

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—16

Basham	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman	Johnson	Schauer	Whitmer

Excused—1

Barcia

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. 975, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 474a (MCL 168.474a), as amended by 1999 PA 219.

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. 172**Yeas—21**

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—16

Basham	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman	Johnson	Schauer	Whitmer

Excused—1

Barcia

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. 976, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 476 (MCL 168.476), as amended by 2005 PA 71.

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. 173**Yeas—21**

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Jelinek	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Nays—16

Basham	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman	Johnson	Schauer	Whitmer

Excused—1

Barcia

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. 376, entitled

A bill to establish an organ donor leave time program for certain individuals employed by this state; to provide for implementation and administration of the program; and to prescribe powers and duties of certain state officers and agencies.

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. 174**Yeas—37**

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

Nays—0

Excused—1

Barcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4398, entitled

A bill to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; 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. 175**Yeas—37**

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

Nays—0**Excused—1**

Barcia

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. 4161, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending sections 6 and 7 (MCL 722.1006 and 722.1007).

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. 176

Yeas—37

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

Nays—0

Excused—1

Barcia

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 prescribe procedures for and the contents of acknowledgments of parentage; to state the effects of those acknowledgments; to provide procedures and criteria for revoking acknowledgments; and to prescribe powers and duties of certain state officers and employees,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1110, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter XI (MCL 771.2a), as amended by 2005 PA 126.

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. 177

Yeas—37

Allen	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott

Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman	Jacobs	Sanborn	Whitmer
Clarke			

Nays—0

Excused—1

Barcia

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5620, entitled

A bill to amend 1988 PA 234, entitled “Michigan Vietnam veterans memorial act,” by amending section 5a (MCL 35.1055a), as added by 2000 PA 470.

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. 178

Yeas—37

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

Nays—0

Excused—1

Barcia

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 create the Vietnam veterans memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to designate the veterans memorial park; to provide for legislative oversight; and to provide for dissolution of the commission.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4838, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 1299.

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. 179

Yeas—37

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

Nays—0

Excused—1

Barcia

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 prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating,

demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5282, entitled

A bill to amend 2000 PA 258, entitled “Career and technical preparation act,” by amending section 13 (MCL 388.1913).

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. 180

Yeas—37

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

Nays—0

Excused—1

Barcia

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 establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; 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.

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

Senate Resolution No. 107

The resolution consent calendar was adopted.

Senators Kuipers, Bishop, Jelinek, Basham and Goschka offered the following resolution:

Senate Resolution No. 107.

A resolution to recognize April 2006 as Youth Financial Literacy Month in the state of Michigan.

Whereas, The informed use of credit and other financial products and services benefit individual consumers and promotes economic growth; and

Whereas, Financial literacy encourages greater economic self-sufficiency and higher levels of homeownership. It also enhances retirement security, particularly among low- to moderate-income citizens; and

Whereas, The past decade has seen declining personal savings rates, increased bankruptcy filings, and a rising percentage of family income devoted to servicing household debt. Only 26 percent of people who are 13-21 years old report that their parents actively taught them how to manage money; and

Whereas, A 2004 study by the National JumpStart Coalition for Personal Financial Literacy found that high school students still are not graduating with the personal finance knowledge and skills they need to attain financial security; and

Whereas, A 2004 survey by the National Endowment for Financial Education found as little as ten hours of personal financial instruction not only significantly increased young people's understanding of money management, but also improved their financial behavior in the ensuing months; and

Whereas, Personal financial education ensures that our youths are prepared to manage money, credit, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize April 2006 as Financial Literacy for Youth Month in the state of Michigan. We support this month in order to raise public awareness about the need for increased financial literacy in our schools and among our children, as well as the serious problems that are associated with a lack of understanding about personal finances; and be it further

Resolved, That we call on each parent, school, business, community organization, and unit of government to observe the month with appropriate programs and activities.

Senators Birkholz, Cassis, Cherry, Clarke, Cropsey, Jacobs, Prusi, Schauer, Scott, Switalski and Thomas were named co-sponsors of the resolution.

Senators Toy, Sanborn, Kuipers, Patterson, Bishop, Goschka, Allen, George, Stamas and Gilbert offered the following resolution:

Senate Resolution No. 109.

A resolution to urge the United States District Court, Eastern District of Michigan, to decline a request to circumvent the regular contract approval process with regard to the Detroit Water and Sewerage Department.

Whereas, In January 2006, United States District Court Judge Feikens, Eastern District of Michigan, terminated the Special Administratorship for the Detroit Water and Sewerage Department (DWSD) filled by the mayor of Detroit because it was no longer needed; and

Whereas, The court order terminating the Special Administrator made no provision for any provisional or temporary transition period for the Special Administrator, nor did it allow for any residual powers to remain with the terminated Special Administrator regarding existing contracts; and

Whereas, The court dismissed Oakland County's motion to replace the Special Administrator with a joint management committee because the termination of the Special Administratorship renders the controversy over who fills this role moot; and

Whereas, If the Special Administrator had retained any provisional or transitional authority or any residual powers regarding existing contracts, then the controversy over who filled this role would be an actual case in controversy and would not be moot; and

Whereas, Judge Feikens' decision gives great weight to the rights of the people of Detroit to establish their own form of government under their city charter and recognizes the importance of home rule by restoring the Detroit City Council's responsibility with regard to the approval of contracts; and

Whereas, In February 2006, the month after Judge Feikens ordered the termination of the Special Administratorship, Detroit Mayor Kwame Kilpatrick petitioned Judge Feikens to circumvent the normal city charter process of approving city contracts and to approve \$12 million in additional payments to DWSD contractors, including a \$10,000 raise for the DWSD director; and

Whereas, Nearly \$8 million of the requested increase—an amount well in excess of the original value of the \$5.2 million contract—would go to a no-bid contract to Ferguson Enterprises, a firm headed by a person with close personal ties to the mayor of Detroit. This request to increase by 144 percent the amount of money paid to this company, headed by an individual currently serving time in the Wayne County Jail for pistol-whipping an employee, has led many observers to express serious concerns over cronyism; and

Whereas, The Governor, through Executive Order No. 2003-1, has taken a strong stand against governmental contracts being awarded to those who have broken the law; and

Whereas, Local leaders, including a member of the Detroit City Council and Wayne County officials, indicate that the January order restores the city council's traditional oversight role on water contracts and that all such contracts should be back before the city council as required by the city charter; and

Whereas, Wayne County also noted that the work of water main replacement falls outside the court's authority under the longstanding federal Clean Water Act case and requests that the court not lend its support and approval to Mayor Kilpatrick's request because the situation does not justify changing the typical process but would be better handled through existing procedures for considering change orders; and

Whereas, Local labor leaders have expressed outrage over the mayor's request to increase the salary of the DWSD director, the highest paid individual in city government, especially at a time when water workers and other city employees face layoffs due to the city's impending budget crisis; and

Whereas, Judge Feikens has indicated that the problems surrounding DWSD will not be resolved by litigation. Accordingly, he should not allow Mayor Kilpatrick to resort to litigation through his court to approve these proposed contract changes, but, rather, should allow the normal governmental process established by the citizens of Detroit in their city charter to be used for the approval of contracts consistent with his January order abolishing the Special Administratorship; and

Whereas, Clearly, there is no justifiable reason to abandon the current contract approval mechanisms in place in the Detroit City Charter. Circumventing the authority of the Detroit City Council by granting the mayor's request would do little to bolster the integrity of the operations of the Detroit Water and Sewerage Department, an important service provider to millions of people in southeastern Michigan; now, therefore, be it

Resolved by the Senate, That we urge Judge John Feikens to stand by and reaffirm his January 2006 order terminating the authority of the Special Administratorship and to deny the request from the mayor of Detroit to circumvent the regular city of Detroit contract approval process to alter contractual provisions and payments regarding the Detroit Water and Sewerage Department; and be it further

Resolved, That copies of this resolution be transmitted to the Honorable John Feikens of the United States District Court, Eastern District of Michigan.

Pending the order that, under rule 3.204, the 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 resolution,

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 181

Yeas—23

Allen	Cropsey	Jelinek	Sanborn
Birkholz	Garcia	Johnson	Sikkema
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Toy
Cassis	Goschka	Olshove	Van Woerkom
Cherry	Hardiman	Patterson	

Nays—13

Basham	Emerson	Prusi	Switalski
Brater	Jacobs	Schauer	Thomas

Clark-Coleman
Clarke

Leland

Scott

Whitmer

Excused—1

Barcia

Not Voting—1

Hammerstrom

In The Chair: Birkholz

Protest

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 109 and moved that the statement he made during the discussion of the resolution be printed as his reasons for voting “no.”

The motion prevailed.

Senator Schauer’s statement is as follows:

I’m very concerned about this resolution. In fact, given that it is a substantive policy question, it should have gone through the appropriate committee. But let’s look at the actual language of this resolution. It urges a sitting federal judge to take a particular position in a matter before the federal court system. As you know, in our system of government, each branch of government has its own set of powers. That’s for a good reason. This doctrine of separation of powers in the related system of checks and balances is a basic feature of American government, both federal and state. I’m sure, as the sponsor of this resolution knows, Article III, Section 2, of our Constitution deals with the separation of powers of government. But do we really want a federal judge to be influenced by one of the elected branches of state government? It doesn’t seem to be consistent with rhetoric we’ve heard in this chamber about being opposed and concerned about activist judges. Well, we’re asking a judge to be activist and take a very particular position—from this chamber.

I know that some of the Senators here are attorneys. How would they like to be present in court about to get a ruling when the judge says, “Well, I was going to rule this way, but I just got a resolution from the Michigan Senate telling me to do the opposite.” We know that’s not right.

So, colleagues, I would urge a “no” vote on this resolution and allow the committee to properly take it up.

Senators Toy, Thomas, Switalski and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Toy’s statement is as follows:

Today, I’ve introduced Senate Resolution No. 109 to urge Judge Feikens, United States District Court Judge for the Eastern Division of Michigan to stand by his January 2006 order which terminated the position of the special administrator for DWSD and to decline the request from the mayor of Detroit to circumvent the contract approval process and from the Detroit City Charter.

This week the *Detroit News* reported that the Detroit City Council, Wayne County, and the union leaders were all strongly opposed to the request made by Mayor Kilpatrick to approve \$12 million in additional payments to DWSD contractors, including a \$10,000 raise for the DWSD director, who is already the highest-paid individual in city government.

In January, Judge Feikens ordered that the position of special administrator for the DWSD be terminated because it was no longer needed, thus all DWSD contracts for service must be approved by the Detroit City Council, as stated in the Detroit City Charter.

Furthermore, Judge Feikens did not make mention of a transition period, nor did he allow for any residual powers to remain with the special administrator. Therefore, today I am urging Judge Feikens to stand by his order and deny Mayor Kilpatrick's request to circumvent the authority of the Detroit City Council and their ability to approve or disapprove DWSD contracts for service.

Senator Thomas' statement is as follows:

One thing that I am particularly grateful for is my sincere belief that Judge Feikens won't read this and won't give, frankly, two cents about what this Legislature potentially will do in passing this resolution. This resolution reminds me of the words of the late Fannie Lou Hamer who said that she was just sick and tired of being sick and tired. I'm pretty sick and tired of this crap, frankly. I am sure that there are actions taken by local governments, say in Kalamazoo or Grand Rapids, Benton Harbor, Battle Creek, that at some point, I have disagreed with. However, I did not use my office as a Michigan State Senator to inject the Michigan Senate's authority into those decisions; simply not our place. The resolution before us talks about local control. Well, let the locals do their thing; let them do it. We don't always have to agree.

As an African American man, I was personally outraged at actions taken in the city of Livonia last year, but I did not choose to bring that issue up on the Senate floor and offer a resolution criticizing their actions. That was their decision. It's their community. They had the opportunity and the desire and the will to go there. It wasn't appropriate for me in the Michigan Senate to do that.

This resolution is simply another attempt to pick at constantly the city of Detroit. When is this Legislature going to just let folks lie? Just let Detroit alone for a single day. That's all we are asking. This is not, again, going to change anything dealing with the Detroit Water and Sewerage Department. It's simply an inappropriate intrusion into a very, certainly difficult situation. The Michigan Legislature, the Michigan Senate, should be bigger than this. Let's stop this playing now.

Senator Switalski's statement is as follows:

If I understand this resolution, which I just received and just read, it is taking the current state of affairs in which the mayor of Detroit has his action approved by the judge, he has to submit it to the judge for approval, and ask me to inject myself and change this situation and have the Detroit City Council approve this request by the mayor.

I don't want to start in about the Detroit City Council, but my faith in their judgment has been shaken recently. Strike one was their action on the zoo. I think they made a mistake. They corrected it, but it didn't show especially good judgment. Then strike two was on raising the water rates in the suburbs while keeping them at a lower rate in the city. They also rescinded that, but again, it shook my faith in their judgment.

Is this resolution really asking me to give them more authority and that I would prefer that rather than have this stuff go in front of a judge? Now it may be in due time that that is properly where it should be, but I certainly don't want to inject myself into this to increase the powers of the Detroit City Council over the Detroit water and sewer.

So I am not in favor of this resolution. I can't believe it's being offered, and I hope it gets defeated.

Senator Sikkema's statement is as follows:

I rise to support the resolution. I find nowhere in the U.S. Constitution or the state Constitution or anywhere within the realm of common sense that the Michigan Senate can't communicate with the courts. It's a resolution urging a federal judge who has assumed administrative power over the Detroit water and sewer system over a number of years, and the suggestion that there's some constitutional provision prohibiting the Michigan Senate from making a request to that individual is ludicrous on its face. So let's dispense with that myth immediately.

Secondly, the resolution, as you read the body of it, makes clear that in January of this year the individual to which I refer, Judge Feikens, terminated the special administrator status of the mayor of Detroit over the Detroit water and sewer system. This resolution urges the judge to maintain that order. That's all it does. It's consistent with the order, and frankly, consistent with the opinion of many other public bodies in southeast Michigan.

I find it a little odd that the Michigan Senate shouldn't go on record supporting the order of the judge. It's other individuals who want to circumvent the order. And, frankly, there is some insult added to injury when the additional contract requested by the Mayor, the additional money going to these contracts, involve an individual who is either currently or has been incarcerated. That, in and of itself, ought to cause the members of this Senate to raise some questions.

I hope you support the resolution. I hope everybody supports the resolution. I hope people support the order of the judge issued in January. Support good government and go on record in so doing.

Senators Kuipers, Basham and Goschka offered the following resolution:

Senate Resolution No. 108.

A resolution to memorialize the United States Congress to add social studies to the testing requirements of the No Child Left Behind Act of 2001.

Whereas, Every generation of Americans has relied on the public schools to prepare young people to be responsible stewards of our national legacy, entrepreneurial economic competitors, and active participants in civic life. The founders believed that well-educated citizens were crucial to a free society; and

Whereas, Citizens of the twenty-first century face unprecedented challenges, including adapting to widely diverse communities and workplaces, economic competition on a global scale, applying rapidly evolving technologies, managing scarce natural resources, and resolving political and cultural conflicts; and

Whereas, The No Child Left Behind Act of 2001 requires rigorous assessment of the core academic subjects of reading, mathematics, and science. Success in dealing with the challenges of the twenty-first century require mastering the core disciplines of the social sciences, including civics, government, economics, history, and geography, as well as reading, mathematics, and science; and

Whereas, Assessing or measuring proficiency in some but not all of the academic subjects necessary for a successful education results in a lack of equitable measurement data of student achievement. This limits accountability for the responsible delivery of the untested academic subjects as well as leading to less instructional attention, fewer resources, and less emphasis on the social studies curriculum; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to add civics, government, economics, history, and geography to the testing requirements of the No Child Left Behind Act of 2001; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the 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 resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Education.

The motion prevailed.

Senators Cassis, Cropsy and Thomas were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

This is from Detroit, "I'm a systems engineer for DaimlerChrysler. I was a resident of the suburbs of Detroit from 1982 to 2004. I can afford to live where I choose. I am currently a Detroit resident, 2004 to the present. I choose to live in Detroit. I am alarmed at the insurance rates for auto and homeowners. Many affluent suburban residents desire to live in the city of Detroit, but they chose not to because of various higher costs of living. Any relief would be helpful."

You know, if we were just as concerned as we are about Detroit's water as we are about the insurance that they are paying, we would be doing something about this insurance, and we need to do it soon.

Senator Sanborn's statement is as follows:

I rise to once again to speak to you about the tragedy that took place in my district. Many of you are probably aware of the *Detroit Free Press* article that was published yesterday, which had some very startling details about the Department of Corrections. My worst fears had been realized when it came to light that Patrick Selepak's release was not the result of one or two staffers making poor decisions in an isolated case, but instead was the result of a systemic problem that goes to the top of the department.

In the *Detroit Free Press* article, a Corrections spokesman was quoted as saying that their review had turned up over a dozen of instances in the last two years in which prisoners should have remained in custody but were released as the result of the improper application of the department's parole policy.

Now if you don't think that the murder of three people in the state of Michigan because of parole errors is serious enough to listen to, then I don't know—I just don't know. Contrary to earlier reports that improper decisions of Corrections' employees had been made at the local level, it now appears that the problem originated right here in Lansing, at Corrections headquarters.

There is no excuse for this policy not being followed by everyone at Corrections because the department itself had defended holding parolees beyond their 45-day window before the Supreme Court, and they won that ruling in 2003. And yet, in the past two years, the policy has been flagrantly disregarded nearly a dozen times. While the consequences of these decisions in the other cases found by Corrections were not as tragic as the Selepak case, a number of individuals did commit additional crimes after being improperly released.

Among those improperly released was a convicted rapist, who was arrested while on parole for assault with a dangerous weapon. Because the hearing could not be scheduled with the proper witnesses in a timely manner, he was put back on the streets only to be arrested again in Minnesota for selling cocaine. While the results of the internal investigation within Corrections have not been released to the members of this body's Judiciary Committee, the information in the newspaper this week shows a shocking trend.

Rather than erring on the side of public safety, they have been erring on the side of releasing convicted felons accused of serious crimes while on parole. There is no excuse for this, and anyone trying to give an excuse should keep in mind that a young couple who were murdered in my district and their unborn child, along with an innocent man looking to lend a helping hand, all paid with their lives for this decision to release a criminal who should have remained in the custody of Corrections.

In the coming months, the chair of the Senate Judiciary Committee will hold a hearing so that Corrections can explain why this was allowed to happen, what they are doing to ensure it never happens again, and how they will deal with those responsible for this tragedy.

While I eagerly await this explanation, I think that this body can and must take action now, in order to send a message to Corrections and the citizens of this state that the decisions that led to this tragedy will not be repeated. That is why I have a blueback on my desk, which amends the Corrections Code of 1953 to clearly state that parolees do not need to be released just because the 45-day window for a hearing has passed. This puts into law the Department of Corrections' stated policy on the issue, which sadly wasn't followed—a policy reaffirmed by this state's Supreme Court.

I would ask all of you to co-sponsor this bill because the citizens of this state not only deserve it, I believe they expect it. They expect to be safe in their own home, and they rightly feel that the state has a responsibility to assure this by keeping criminals off of our streets—is our responsibility.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Goschka, Johnson, Birkholz, Barcia, Prusi, Hardiman, Kuipers, Sikkema and Hammerstrom introduced **Senate Bill No. 1189, entitled**

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 2002 PA 382.

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

Senators Allen, Jelinek, Cropsey, Patterson, Birkholz, Toy, Barcia and Goschka introduced

Senate Bill No. 1190, entitled

A bill to amend 1895 PA 1, entitled "An act to provide for the incorporation of Masonic Associations; and to impose certain duties upon the department of commerce," (MCL 457.221 to 457.227) by adding section 4a.

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

Senators Cassis, Goschka, Kuipers, Bishop, Barcia, Cropsey, Gilbert, Garcia and Allen introduced

Senate Bill No. 1191, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

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

Senators Gilbert, Toy, Van Woerkom and George introduced

Senate Bill No. 1192, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11e (MCL 247.661e), as added by 1992 PA 223.

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

House Bill No. 4478, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Oakland county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

House Bill No. 5492, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7457 (MCL 333.7457), as added by 1988 PA 139.

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

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

House Bill No. 5493, entitled

A bill entering into the nurse licensure compact; and to repeal acts and parts of acts.

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 Health Policy.

House Bill No. 5538, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2006 PA 13.

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

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

House Bill No. 5682, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 98 (MCL 250.1098), as added by 2005 PA 258.

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

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

House Bill No. 5747, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXVIIA. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5748, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2004 PA 424.

The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16106 and 17211 (MCL 333.16106 and 333.17211), section 16106 as amended by 2002 PA 643.

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 Health Policy.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 103.

A resolution to urge the Department of Natural Resources to work with the federal government and neighboring states to implement the most aggressive means of controlling the double-crested cormorant population pursuant to authority extended by the United States Fish and Wildlife Service.

(For text of resolution, see Senate Journal No. 23, p. 399.)

With the recommendation that the resolution be adopted.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom and Basham

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 21, 2006, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Families and Human Services reported

Senate Bill No. 1116, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3 and 8 (MCL 722.623 and 722.628), section 3 as amended by 2002 PA 693 and section 8 as amended by 2004 PA 195.

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.

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 1117, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8b (MCL 722.628b), as amended by 1998 PA 484.

With the recommendation that the bill pass.

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

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, March 21, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

The Committee on Local, Urban and State Affairs reported

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.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Resolution No. 66.

A resolution to express support for the efforts of the Department of History, Arts, and Libraries, the State Historic Preservation Office, and Presque Isle Township to reinstall the historic Fresnel Lens in the Presque Isle Lighthouse Tower. (For text of resolution, see Senate Journal No. 83 of 2005, p. 1618.)

With the recommendation that the resolution be adopted.

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka and Basham

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Wednesday, March 22, 2006, at 1:15 p.m., The Lansing Center, Room 201, 333 E. Michigan Avenue, Lansing

Present: Senators Toy (C), Goschka and Basham

Excused: Senators Birkholz and Whitmer

The Committee on Commerce and Labor reported

House Bill No. 5640, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2006 PA 21.

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 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 Wednesday, March 22, 2006, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy and Olshove

Excused: Senators McManus and Schauer

The Committee on Government Operations reported

House Bill No. 5648, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 478 (MCL 168.478).

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 4, after "by" by striking out "**THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS OR**".

2. Amend page 2, line 3, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 973.

(b) Senate Bill No. 974.

(c) Senate Bill No. 975.

(d) Senate Bill No. 976.

(e) House Bill No. 5649.

(f) House Bill No. 5650."

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen and Cassis

Nays: Senators Jacobs and Thomas

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

The Committee on Government Operations reported

House Bill No. 5649, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 479 (MCL 168.479).

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 2, after the first "**THE**" by striking out "**FOURTH DISTRICT OF THE STATE COURT OF APPEALS, THE**".

2. Amend page 1, line 3, after "**CANVASSERS**" by striking out the comma.

3. Amend page 1, line 6, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 973.

(b) Senate Bill No. 974.

(c) Senate Bill No. 975.

- (d) Senate Bill No. 976.
- (e) House Bill No. 5648.
- (f) House Bill No. 5650.”.

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen and Cassis

Nays: Senators Jacobs and Thomas

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

The Committee on Government Operations reported

House Bill No. 5650, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 1, after “The” by striking out the balance of the line through “**APPEALS**” on line 2 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
2. Amend page 1, line 5, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
3. Amend page 1, line 6, after “**UNLESS**” by striking out “**IT**” and inserting “**HE OR SHE**”.
4. Amend page 2, line 1, after the first “**THE**” by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
5. Amend page 2, line 3, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
6. Amend page 2, line 16, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
7. Amend page 2, line 16, after “makes” by striking out “its” and inserting “**HIS OR HER**”.
8. Amend page 2, line 18, after “The” by striking out the balance of the line through “**APPEALS**” on line 19 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
9. Amend page 2, line 22, after “canvass.” by striking out the balance of the bill and inserting:
“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:
 - (a) Senate Bill No. 973.
 - (b) Senate Bill No. 974.
 - (c) Senate Bill No. 975.
 - (d) Senate Bill No. 976.
 - (e) House Bill No. 5648.
 - (f) House Bill No. 5649.”.

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen and Cassis

Nays: Senators Jacobs and Thomas

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

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursdays, April 20, April 27, May 4, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

Family Independence Agency - Wednesday, March 29, 8:30 a.m., Room 210, Farnum Building (373-1801)

State Police and Military Affairs - Thursdays, April 20, April 27, May 4, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

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

Judiciary - Tuesday, March 28, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs/House Natural Resources, Great Lakes, Land Use and Environment - Tuesday, March 28, 3:00 p.m., Room 519, South Tower, House Office Building (373-3447)

State Drug Treatment Court Advisory Committee - Tuesday, March 28, 9:15 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Transportation - Tuesday, March 28, 1:00 p.m., Room 110, Farnum Building (373-7708)

Transportation, Senate/House - Thursday, March 30, 12:30 p.m., Room 519, South Tower, House Office Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:04 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, March 28, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate