

No. 65
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, June 28, 2006.

10:00 a.m.

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

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

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

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—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—excused
Van Woerkom—present
Whitmer—present

Reverend Timothy Mazur of St. Isaac Jogues Catholic Church of St. Clair Shores offered the following invocation:

Good and gracious God, we humbly stand before You this morning with our hearts, minds, and souls filled with a spirit of gratitude—for the gift of our lives and the lives of those whom we are privileged to serve and grateful for the opportunities that this day will afford us to do good work.

We are grateful, as well, for all those who faithfully serve all levels of government and for the men and women who daily sacrifice their lives to protect the freedoms we enjoy.

We pray that all the efforts of our day be rooted in wisdom, in truth, and in understanding so that we may guide Your people entrusted to our care in ways of justice and peace.

We pray that prosperity may come to our great state of Michigan and all the great lands of our world. Good and gracious God, please bless us all and the people of this state in which we serve. God bless America.

We ask all these things in Your most sacred name. Amen.

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

Motions and Communications

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

Senate Bill No. 246

The motion prevailed.

Senators McManus, Kuipers and Leland entered the Senate Chamber.

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

The motion prevailed.

Senator Hammerstrom moved that Senator Toy be 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. 4807

House Bill No. 5967

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

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Commerce and Labor - Senator Toy (VC) replacing Senator Cassis.

The standing committee appointment was approved, a majority of the members serving voting therefor.

Senator Goschka entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Whitmer admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:06 a.m.

10:12 a.m.

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

During the recess, Senator Whitmer introduced and congratulated the Okemos High School Girls Soccer Team, Division 2 State Champions, and Head Coach Rob Antcliff.

Coach Antcliff responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 27:
House Bill Nos. 6138 6141 6142 6143 6148 6149 6150 6205 6206 6207 6208

Messages from the Governor

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

Senate Bill No. 272
Senate Bill No. 271
Senate Bill No. 264
Senate Bill No. 274
Senate Bill No. 281
Senate Bill No. 175
Senate Bill No. 236
Senate Bill No. 892
Senate Bill No. 893
Senate Bill No. 956
Senate Bill No. 957
Senate Bill No. 179
Senate Bill No. 1026
Senate Bill No. 1027
Senate Bill No. 1028
Senate Bill No. 372
Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 976
Senate Bill No. 242
Senate Bill No. 297

The motion prevailed.

The following messages from the Governor were received and read:

June 27, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Dairy Marketing Program Committee

Mr. Bryan D. Hull of 10434 Vickeryville Road, Fenwick, Michigan 48834, county of Montcalm, succeeding Edward J. Hanenburg, whose term has expired, representing the Dairy Farmers of America, for a term commencing June 27, 2006 and expiring December 31, 2008.

Mr. Kenneth P. Nobis of 1513 North Lowell Road, St. Johns, Michigan 48879, county of Clinton, succeeding Wayne U. Bancroft, who has resigned, representing the Michigan Milk Producers Association, for a term commencing June 27, 2006 and expiring December 31, 2006.

Mr. Harold Cnossen of 6020 South 9 Mile Road, Falmouth, Michigan 49632, county of Missaukee, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2008.

Mr. Earl A. Horning of 11855 East Pleasant Lake Road, Manchester, Michigan 48158, county of Washtenaw, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2008.

Mr. Elwood C. Kirkpatrick of 2850 Schott Road, Kinde, Michigan 48445, county of Huron, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2008.

Mr. Dwight H. Nash of 4717 North Shepardsville Road, Elsie, Michigan 48831, county of Clinton, reappointed to represent the Dairy Farmers of America, for a term expiring December 31, 2008.

June 27, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 46 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1046:

Board of Health and Safety Compliance and Appeals

Mr. Leopold P. Borrello of 2045 Vernon, Saginaw, Michigan 48602, county of Saginaw, succeeding Edward Ratzenberger, whose term has expired, representing the general public, for a term commencing June 27, 2006 and expiring March 18, 2007.

Mr. Sam T. Hart of 8605 East Denver Road, Mt. Pleasant, Michigan 48858, county of Isabella, reappointed to represent labor and construction, for a term expiring March 18, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Senators Brown and Clarke entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 875

Senate Bill No. 1260

The motion prevailed.

Senate Bill No. 919, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 6 and 8 (MCL 125.2686 and 125.2688), section 6 as amended by 2006 PA 116 and section 8 as amended by 2003 PA 266, and by adding section 8e.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," (MCL 125.2681 to 125.2696) by adding section 8f.

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

Senate Bill No. 1046, entitled

A bill to create a rebuttable presumption regarding the use of self-defense or the defense of others.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the

discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 43502, 43505, 43506, 43517, and 43520 (MCL 324.43502, 324.43505, 324.43506, 324.43517, and 324.43520), sections 43502, 43505, and 43506 as amended by 1996 PA 585 and sections 43517 and 43520 as added by 1995 PA 57.

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-2) and agreed to the title as amended.

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

Senate Bill No. 1121, entitled

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

The 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. 1185, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2922c.

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.

House Bill No. 5456, entitled

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

The House of Representatives has substituted (H-5) the Senate substitute (S-4).

The House of Representatives has concurred in the Senate substitute (S-4) as substituted (H-5) and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2006 PA 116, and section 8 as amended by 2003 PA 266.

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

Senate Bill No. 1176, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275. (For text of amendment, see Senate Journal No. 64, p. 1437.)

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

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

Roll Call No. 556

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema

Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

George
Gilbert
Goschka
Hammerstrom
Hardiman

Leland
McManus
Olshove
Patterson
Prusi

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

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

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Whitmer 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. 6047, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 21553, 21554, 21555, 21556, and 21557.

House Bill No. 6202, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 21558, 21559, 21560, 21561, 21562, and 21563.

House Bill No. 6175, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 17 (MCL 492.117).

House Bill No. 4971, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 32.

House Bill No. 6194, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5238 (MCL 500.5238), as amended by 1989 PA 139.

House Bill No. 6195, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5245 (MCL 500.5245).

House Bill No. 6196, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5248 (MCL 500.5248).

House Bill No. 4891, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1801 and 1810 (MCL 339.1801 and 339.1810), section 1810 as amended by 1990 PA 15.

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:

Senate Bill No. 583, entitled

A bill to amend 2002 PA 593, entitled "Michigan next energy authority act," by amending section 2 (MCL 207.822). Substitute (S-5).

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. 584, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2006 PA 116.

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. 701, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 2002 PA 718.

Substitute (S-1).

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

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

House Bill No. 4807, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1998 PA 69.

Substitute (S-1).

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

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

House Bill No. 5967, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 36 and 40a (MCL 791.236 and 791.240a), section 36 as amended by 2006 PA 168 and section 40a as amended by 1993 PA 346.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4870, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1104 and 3614 (MCL 700.1104 and 700.3614), section 1104 as amended by 2005 PA 204 and section 3614 as amended by 2004 PA 343, and by adding sections 3206, 3207, and 3208.

Substitute (S-1).

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

1. Amend page 5, line 7, after "(9)," by inserting "AND IF SUBSECTION (6) DOES NOT APPLY,".
2. Amend page 5, line 13, after "(9)," by striking out "IF THE DECEDENT DIED INTESTATE,".
3. Amend page 6, line 6, after "CORRECTIONS" by inserting "OR THE DESIGNEE OF THE DIRECTOR".
4. Amend page 8, line 17, by striking out all of lines 17 through 20 and inserting:

"SEC. 3208. (1) AN INDIVIDUAL OTHER THAN A PERSON WITH PRIORITY UNDER SUBSECTIONS (2) TO (4) OR ACTING UNDER SUBSECTION (5), (6), (7), OR (8), MAY FILE AN ACTION IN THE CIRCUIT COURT TO CHALLENGE THE PRESUMPTION TO BE DETERMINED AS THE INDIVIDUAL WHO HAS THE AUTHORITY TO EXERCISE THE RIGHTS AND POWERS UNDER SECTION 3206(1)."

5. Amend page 9, line 11, after the first "OF" by striking out "THIS ACT" and inserting "SECTIONS 3206 AND 3207 AND THIS SECTION".

6. Amend page 10, following line 20, by inserting:

"Sec. 3701. A personal representative's duties and powers commence upon appointment. A personal representative's powers relate back in time to give acts by the person appointed that are beneficial to the estate occurring before appointment the same effect as those occurring after appointment. ~~Before~~ **SUBJECT TO SECTIONS 3206 TO 3208, BEFORE** or after appointment, a person named as personal representative in a will may carry out the decedent's written instructions relating to the decedent's body, funeral, and burial arrangements. A personal representative may ratify and accept an act on behalf of the estate done by another if the act would have been proper for a personal representative."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5836, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2652, 2653, 2655, 2658, 2663, 2851, 2855, and 10108 (MCL 333.2652, 333.2653, 333.2655, 333.2658, 333.2663, 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 2, line 2, after "DESIGNATE" by striking out the balance of the line through "STATE" on line 4 and inserting "MICHIGAN STATE UNIVERSITY, WAYNE STATE UNIVERSITY, OR THE UNIVERSITY OF MICHIGAN".
2. Amend page 2, line 7, after "A" by striking out "SCHOOL, COLLEGE, OR DEPARTMENT" and inserting "UNIVERSITY".

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4971

House Bill No. 6194

House Bill No. 6195

House Bill No. 6196

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. 5581

House Bill No. 5955

House Bill No. 5956
House Bill No. 5957
House Bill No. 5958
House Bill No. 5953
House Bill No. 4971
House Bill No. 6194
House Bill No. 6195
House Bill No. 6196
House Bill No. 5819
 The motion prevailed.

The following bill was read a third time:

House Bill No. 5581, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 55 (MCL 257.1855), as amended by 2006 PA 108.

The question being on the passage of the bill,

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

Roll Call No. 557

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Toy

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 regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5955, entitled

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies,” by amending sections 1 and 3 (MCL 446.201 and 446.203), section 1 as amended by 2004 PA 585 and section 3 as amended by 2002 PA 469.

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. 558

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Toy

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. 5956, entitled

A bill to amend 1945 PA 231, entitled “An act to prescribe additional regulations and requirements for pawnbrokers, secondhand dealers and junk dealers; to provide for the taking of fingerprints and the making of reports to enforcement officers; to prescribe penalties for the violation of the provisions of this act; and to declare the effect of this act,” by amending sections 1 and 6 (MCL 445.471 and 445.476).

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. 559

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Toy

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. 5957, entitled

A bill to amend 1917 PA 350, entitled “An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 1 and 3 (MCL 445.401 and 445.403).

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. 560

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Toy

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. 5958, entitled

A bill to amend 1981 PA 95, entitled “The precious metal and gem dealer act,” by amending sections 2 and 3 (MCL 445.482 and 445.483), section 2 as amended by 1990 PA 34.

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. 561**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Toy

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 regulate the business of buying and receiving gold, silver, platinum, gems, jewelry, and other precious items; to provide powers to certain state and local officers and agencies with respect to such regulation; to provide for the registration of precious metal and gem dealers; to provide for civil damages; and to prescribe penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5953, entitled

A bill to amend 1909 PA 259, entitled “An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in

satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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. 562

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Toy

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. 4971, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 32.

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. 563

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema

Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

George
Gilbert
Goschka
Hammerstrom
Hardiman

Leland
McManus
Olshove
Patterson
Prusi

Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6194, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5238 (MCL 500.5238), as amended by 1989 PA 139.

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. 564

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6195, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5245 (MCL 500.5245).

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. 565**Yeas—37**

Allen
Barcia

Clarke
Cropsey

Jacobs
Jelinek

Sanborn
Schauer

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6196, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 5248 (MCL 500.5248).

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. 566

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and

regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act."

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5819, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 9 (MCL 213.59), as amended by 1996 PA 474.

The question being on the passage of the bill,

Senator Gilbert offered the following amendments:

1. Amend page 2, line 1, after "need." by striking out the balance of the subsection.

2. Amend page 3, following line 18, after "(6)" by inserting "**THE PAYMENT OF ESCROW, AS ORDERED UNDER SUBSECTION (5), MUST BE MADE NO LATER THAN 30 DAYS BEFORE PHYSICAL DISPOSSESSION. IF THERE IS A DISPUTE AFTER THE PAYMENT IS MADE, THE DISPUTE SHALL BE RESOLVED AT AN APPORTIONMENT HEARING HELD BEFORE PHYSICAL DISPOSSESSION.**

(7) THE FOLLOWING SPECIAL PROVISIONS APPLY IF THE SURRENDER OF POSSESSION OF PROPERTY PURSUANT TO THE TRANSFER OF TITLE TO THE PROPERTY IN CONDEMNATION PROCEEDINGS REQUIRES THE RELOCATION OF THE OWNER OR ANOTHER OCCUPANT:

(A) IF THE SURRENDER OR POSSESSION OF PROPERTY REQUIRES THE RELOCATION OF ANY INDIVIDUAL WHO OCCUPIES A RESIDENTIAL DWELLING ON THE PROPERTY, THE INDIVIDUAL SHALL NOT BE REQUIRED TO MOVE FROM HIS OR HER DWELLING UNLESS HE OR SHE HAS HAD A REASONABLE OPPORTUNITY NOT TO EXCEED 180 DAYS AFTER THE PAYMENT DATE OF MOVING EXPENSES OR THE MOVING ALLOWANCE PROVIDED UNDER 1965 PA 40, MCL 213.351 TO 213.355, TO RELOCATE TO A COMPARABLE REPLACEMENT DWELLING.

(B) HOWEVER, IF THE AGENCY IS COMPLYING WITH APPLICABLE FEDERAL REGULATIONS AND PROCEDURES REGARDING PAYMENT OF COMPENSATION OR RELOCATION REQUIREMENTS, THOSE FEDERAL REGULATIONS AND PROCEDURES TAKE PRECEDENCE OVER ANY CONFLICTING PROVISIONS IN THIS SECTION.

(8)".

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

The question being on the passage of the bill,

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

Roll Call No. 567

Yeas—37

Allen	Clarke	Jacobs	Sanborn
Barcia	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	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0

Excused—1

Toy

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 procedures for the condemnation, acquisition, or exercise of eminent domain of real or personal property by public agencies or private agencies; to provide for an agency’s entry upon land for certain purposes; to provide for damages; to prescribe remedies; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Cassis’ first statement is as follows:

It is indeed with a great source of pride that I share with you today that my home school district won, with which I shared seventeen great years, the Novi High School Girls Soccer Team had a tremendous 2006 season. Can you imagine that these very disciplined student athletes produced one of the most outstanding records ever known and that is 24 wins and no losses, and a second Division 1 State Championship.

So, today, I wanted to acknowledge this on the Senate floor and to congratulate Mike Ziegler and Mike McShane, the two assistant coaches of this fabulous Novi High School Girls Soccer Team, and the efforts the girls put forward to achieve this incredible goal.

Senator Cropsey’s statement is as follows:

The first apparent assumption of prisoner advocates is focus on the conviction and ignore real-life criminality. The second apparent assumption is focus on the criminal and ignore victims. The third apparent assumption: if we release more prisoners, we’ll save tens of millions of dollars. That is probably one of the most ludicrous of any assumption that is made.

Let me quote from the CAPPS testimony submitted on February 7, 2006, to the Corrections Subcommittee on the budget: “Getting just 600 more people onto parole would save roughly \$12 million.”

I have good news for all of you. Using that line of math reasoning, since we’ve paroled 130,000 prisoners in the last 12 years, the Michigan Department of Corrections has cumulatively saved over \$21 billion. This is, I believe, the only state department saving us such incredible sums of money. Every year the department saves another one-third of a billion dollars by paroling prisoners, according to CAPPS’ logic.

Do you believe this math? Do you believe the Michigan Department of Corrections budget is reduced hundreds of millions of dollars every year by paroling prisoners?

The truth is the Michigan Department of Corrections essentially utilizes a warm-bed practice. As soon as a bed is freed up by a parole, there is a long line of felons waiting to take their place. There are one million reported crimes a year, 350,000 arrests a year, 23,000 felons convicted a year, and less than 5,000 prison beds available for new sentences. No bed goes empty for long. The truth is not a single penny is saved until you close down a pod or a wing or an entire prison. Just look at the savings by closing the Baldwin prison last year. The Michigan Department of Corrections budget from the Governor should be \$17 million less than last year, though adding back in the incremental cost of adding those beds to existing facilities—or so CAPPS would have you believe. Additionally, CAPPS understands that you only save money by closing prisons. They just don’t want you to really focus on that until you’ve agreed to release thousands of prisoners.

We've closed 14 Department of Corrections facilities in the last four years. But this isn't enough for CAPPs. If you read their footnotes, without any consideration for the public safety of your constituents, you'll find that they want you to close seven more major prisons—the Boyer Road and Deerfield facilities in Ionia; the Straights facility and the Hiawatha facility in Chippewa County; the Mid-Michigan facility in Gratiot County; the Parr Highway facility in Lenawee County; and the West Shoreline facility in Muskegon Heights.

Do I support increasing the MDOC budget or expanding our prison system? My answer is I support protecting the public. Is the current budget adequate? Between chairing the budget and chairing the standing Judiciary Committee, I work to ensure that the worst of the worst are kept from victimizing all of us. I believe in addressing root causes of crime, such as drug abuse and lack of a supportive social network for parolees, and the budget. The laws we've all supported do this.

But I categorically reject such naïve and mythical arguments that paroling 600 dangerous prisoners will save the state \$12 million a year, unless you're willing to close the next prison.

I may agree with prisoner advocates about some aspects of prison spending and I may agree with them about some parole decisions, but not for the reasons they assume so publicly over and over again. I believe in protecting the public, and CAPPs advocacy for keeping felons on the street without any regard for public safety is directly in conflict with this foundational principle.

Senator Basham's statement is as follows:

Yesterday, the United States Surgeon General issued a 700-page report and a 70-page brief. The good news is that I am not going to read them, but I will read you a thumbnail sketch of what the Surgeon General said yesterday. Richard H. Carmona issued a comprehensive scientific report that concludes there is no risk-free level of exposure to secondhand smoke. The finding is, and should be, of major public health concern due to the fact that nearly half of all nonsmoking Americans are still regularly exposed to secondhand smoke.

The report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," finds that even brief secondhand smoke exposure has immediate adverse health effects. According to the report, nonsmokers exposed to secondhand smoke at home or work increased their risk of developing heart disease by 25-30 percent and lung cancer by 20-30 percent. The report went on to state that even the most sophisticated ventilation systems cannot completely eliminate secondhand smoke exposure and that only smoke-free environments afford full protection.

With this new report, the scientific evidence on the effects of secondhand smoke is now indisputable. Fortunately, as the Surgeon General pointed out, secondhand smoke exposure is easily prevented. He also noted that smoke-free indoor environments are proven, simple—and I would add cost-free—approaches that prevent exposure and harm.

Clearly, Senate Bill Nos. 394 and 395, introduced by myself and the Senator from the 20th District to ensure all Michigan workplaces are smoke-free, are consistent with and strongly supported by this report.

I understand that some business owners would like to determine for themselves whether they permit smoking in their establishments. However, this issue is much more important and the consequences much too severe to simply allow businesses to make a decision that is detrimental to the health of their nonsmoking patrons and employees. Studies have already shown that comprehensive smoking bans that include all restaurants and bars do not cause economic harm to the hospitality industry. To the contrary, continuing with the status quo in Michigan will result in thousands of deaths annually. It will cost the state millions in health care-related expenses.

The Surgeon General's report has cleared the air on this issue. The facts are undeniable. There really is nothing more to debate. It is now time for the Michigan Legislature to act. I call on my colleagues for the passage of Senate Bill Nos. 394 and 395.

Senator George's statement is as follows:

I want to alert my colleagues that our own Department of Community Health recently issued an important report. You can find it on their website. It is accompanied by a press release. It's a breakthrough discovery related to the problem of the uninsured, and this report is a model of government efficiency that other departments should be encouraged to follow. The department announced in a press release that the Governor's Advisory Council for the Uninsured has reached a startling conclusion: The problem with the uninsured is that they have no insurance.

Yes, colleagues, after months of study, the council, chaired by an executive from Michigan's largest health insurance company, found that the uninsured have no insurance. Moreover, this problem could be solved for a few billion dollars if we were only to buy them insurance.

They also discovered that the current state insurance program, Medicaid, underpays for services. Imagine that. And with just a few billion dollars more, that problem could also be corrected.

Now that the administration has found a winning formula for the state's problems, perhaps they should convene an advisory council on the homeless problem. They could ask the homebuilders to chair it. Perhaps after a few months of study, they would discover that the victims of homelessness have no homes.

The Governor's advisory council also recommended that the state embark on a public relations campaign regarding this problem of the uninsured; a campaign to inform the public about their great discovery. Maybe it could involve billboards. We could post them at the state's borders, and they could say, "Now entering Michigan, the Great Lakes State, where the uninsured have no insurance."

Another of the advisory council's conclusions is that the council should be replaced by a successor council. That is, another advisory council to implement the recommendations of the first council. This second successor group would advise us, the Legislature, on their efforts to implement the first council's recommendations on educating the Legislature regarding its discovery that the uninsured have no insurance.

I am delighted that the administration is making such progress in this area, and I wonder, Madam President, if at some time, one of the many advisory councils or someone in the department or the Governor's office could answer the three simple questions that we posed to the department nearly six months ago when we held a legislative hearing on the Governor's plan to expand Medicaid. The three simple questions: How is it paid for? How does it avoid adverse selection? And how does it make Michigan healthier? Is that too much to ask?

Senator Scott's statement is as follows:

Yesterday, in my statement, I gave you comparisons of average auto insurance rates comparing the city of Detroit to the rest of Michigan. I think you all would agree that these numbers were alarming.

I also stressed the need to act on bills during our remaining session days of this legislative session that have been introduced and that remain in committee. Particularly, I am calling on the chair of the Senate Banking and Financial Institutions Committee to take up Senate Bill No. 1256 that would create the Make Insurance Affordable and Accessible Task Force. This task force would be charged with examining the affordability and availability of auto insurance in all areas of the state, examining ways to increase the affordability and availability of auto insurance in all areas of the state and also examining ways to increase the affordability and availability of auto insurance in all areas of the state.

The findings from this task force that shall be reported to both the Senate and House will provide all of us with a better picture of just how the disparity is between what ratepayers pay in our urban settings versus those in outstate areas.

Again, I remain vigilant in my efforts to bring rate relief to those who desperately need it. And I am asking all of you for your help and your support in making that happen.

Senator Cassis' second statement is as follows:

Just a few moments ago, I paid tribute to an outstanding Novi soccer team, which is the 2006 Division 1 State Champions. They are here with us in the east Gallery along with their head coach, Mr. O'Leary, assistant coach Mr. McShane, and proud parents.

Senator Schauer moved that he be named co-sponsor of the following bill:

Senate Bill No. 1288

The motion prevailed.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Scott introduced

Senate Bill No. 1336, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding sections 34b and 37a.

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

Senators Cropsy and Scott introduced

Senate Bill No. 1337, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 1 (MCL 28.291), as amended by 2005 PA 143.

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

Senators Switalski and Scott introduced

Senate Bill No. 1338, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2005 PA 142.

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

Senator Prusi introduced

Senate Bill No. 1339, entitled

A bill to amend 1949 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2005 PA 301.

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

Senator Prusi introduced

Senate Bill No. 1340, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 57.

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

Senator Switalski introduced

Senate Bill No. 1341, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 2006 PA 104.

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

Senator Switalski introduced

Senate Bill No. 1342, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1303, 2202, and 3807 (MCL 700.1303, 700.2202, and 700.3807), sections 1303 and 2202 as amended by 2000 PA 54 and section 3807 as amended by 2000 PA 177.

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

Senator Switalski introduced

Senate Bill No. 1343, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 1 (MCL 558.1); and to repeal acts and parts of acts.

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

Senator Switalski introduced

Senate Bill No. 1344, entitled

A bill to amend 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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

Senators Whitmer, Johnson, Hammerstrom, Brater, Scott, Clarke, Thomas, Switalski, Jacobs, Prusi, Schauer, Cherry, Clark-Coleman, Emerson and Leland introduced

Senate Bill No. 1345, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2687, 2688, 2692, and 16274 (MCL 333.2685, 333.2687, 333.2688, 333.2692, and 333.16274), section 16274 as added by 1998 PA 108.

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

Senators Johnson, Whitmer, Hammerstrom, Brater, Scott, Clarke, Thomas, Switalski, Jacobs, Prusi, Schauer, Cherry, Clark-Coleman, Emerson and Leland introduced

Senate Bill No. 1346, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

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

Senators Johnson, Whitmer, Hammerstrom, Brater, Scott, Clarke, Thomas, Switalski, Jacobs, Prusi, Schauer, Cherry, Clark-Coleman, Emerson and Leland introduced

Senate Bill No. 1347, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2002 PA 123.

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

House Bill No. 6138, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17211 and 17221 (MCL 333.17211 and 333.17221), section 17221 as amended by 1993 PA 79.

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. 6141, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17011 (MCL 333.17011), as amended by 1993 PA 79, and by adding section 17026.

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. 6142, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16411 and 16421 (MCL 333.16411 and 333.16421), section 16411 as amended by 2002 PA 734 and section 16421 as amended by 1993 PA 79.

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. 6143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18211 and 18221 (MCL 333.18211 and 333.18221), section 18221 as amended by 1993 PA 79.

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. 6148, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17511 (MCL 333.17511) and by adding section 17526.

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. 6149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18011 and 18021 (MCL 333.18011 and 333.18021), as amended by 2006 PA 161.

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. 6150, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18103, 18105, and 18115 (MCL 333.18103, 333.18105, and 333.18115), section 18103 as amended by 1993 PA 79, section 18105 as amended by 1989 PA 262, and section 18115 as added by 1988 PA 421.

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. 6205, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17711 and 17721 (MCL 333.17711 and 333.17721), section 17721 as amended by 1993 PA 79.

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. 6206, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17305 (MCL 333.17305), as added by 2001 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. 6207, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16903, 16905, and 16907 (MCL 333.16903, 333.16905, and 333.16907), as added by 1995 PA 126.

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. 6208, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820, 17821, and 17903 (MCL 333.17820, 333.17821, and 333.17903), section 17820 as amended by 2005 PA 281, section 17821 as amended by 1993 PA 79, and section 17903 as added by 2006 PA 54.

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.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4807, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1998 PA 69.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Whitmer and Brater

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5967, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 36 and 40a (MCL 791.236 and 791.240a), section 36 as amended by 2006 PA 168 and section 40a as amended by 1993 PA 346.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 27, 2006, at 1:05 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Monday, June 26, 2006, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Toy

Scheduled Meetings

Appropriations -

Subcommittee -

Capital Outlay - Thursday, June 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Economic Development, Small Business and Regulatory Reform - Thursday, June 29, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-7670)

Local, Urban and State Affairs - Thursday, June 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:44 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, June 29, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

