

**No. 13**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Tuesday, February 14, 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—present  
Van Woerkom—present

Senator Raymond E. Basham of the 8th District offered the following invocation:

Heavenly Father, we thank You for this day. We thank You that we are here safely gathered together. We thank You for Your bountiful goodness.

We pray for strength, wisdom, and clarity of thought as we deliberate and consider issues confronting this great state. We would ask that You guide us in our united effort for the common good.

Bless our soldiers and those who work each day to protect the security and safety of this state and this great nation. Keep them in Your care.

It's in Your name that I pray. 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 bills be postponed for today:

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bill:

**Senate Bill No. 690, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3119, 3121, 3124, 5521, 5701, 5702, 5703, 5704, 5705, 5706, 5707, and 5708 (MCL 324.3119, 324.3121, 324.3124, 324.5521, 324.5701, 324.5702, 324.5703, 324.5704, 324.5705, 324.5706, 324.5707, and 324.5708), section 3119 as amended and section 3121 as added by 2004 PA 91, section 3124 as added by 2004 PA 90, and section 5521 as amended by 1998 PA 245.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

The following communication was received:

Department of Human Services

February 7, 2006

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

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Interim	Montmorency County DHS	CP600201311

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

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

Sincerely,  
Marianne Udow

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 9:  
**House Bill Nos. 4536 4893 5624**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, February 10, for her approval the following bills:

**Enrolled Senate Bill No. 310 at 2:37 p.m.**

**Enrolled Senate Bill No. 794 at 2:39 p.m.**

**Enrolled Senate Bill No. 351 at 2:41 p.m.**

**Enrolled Senate Bill No. 579 at 2:43 p.m.**

The Secretary announced that the following official bills were printed on Thursday, February 9, and are available at the legislative website:

**Senate Bill Nos. 1038 1039 1040 1041**  
**House Bill Nos. 5647 5648 5649 5650 5651 5652 5653 5654 5655 5656 5657 5658 5659**

The Secretary announced that the following official bills and joint resolution were printed on Friday, February 10, and are available at the legislative website:

**Senate Bill Nos. 1042 1043 1044**  
**House Bill Nos. 5660 5661 5662 5663 5664 5665 5666 5667 5668 5669 5670**  
**House Joint Resolution S**

### 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**

The motion prevailed.

The following messages from the Governor were received:

Date: February 9, 2006  
Time: 11:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 788 (Public Act No. 14), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

(Filed with the Secretary of State on February 9, 2006, at 3:30 p.m.)

Date: February 9, 2006  
Time: 11:57 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 366 (Public Act No. 15), being**

An act 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,” (MCL 324.101 to 324.90106) by adding section 74103a.

(Filed with the Secretary of State on February 9, 2006, at 3:32 p.m.)

Date: February 9, 2006

Time: 12:07 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 736 (Public Act No. 20), being**

An act to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

(Filed with the Secretary of State on February 9, 2006, at 3:42 p.m.)

Date: February 14, 2006

Time: 7:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 579 (Public Act No. 22), being**

An act to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 2005 PA 251.

(Filed with the Secretary of State on February 14, 2006, at 8:02 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received on February 13, 2006, and read:

EXECUTIVE ORDER  
No. 2006-4

**Amendment of Executive Order 2005-14**

**Michigan Long-Term Care Supports and Services Advisory Commission**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, the Michigan Long-Term Care Supports and Services Advisory Commission was created by Executive Order 2005-14;

WHEREAS, it is necessary and desirable to amend Executive Order 2005-14 to expand the membership of the Advisory Commission;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

A. Section III.B of Executive Order 2005-14 is amended to read as follows:

“B. The Commission shall consist of 17 members appointed by the Governor, including each of the following:

1. Nine members representing primary or secondary consumers of long-term care supports and services.

2. Three members representing providers of Medicaid-funded long-term care supports and services.
3. Three members representing direct care staff providing long-term care supports and services.
4. Two members representing the general public.”

B. Section III.D of Executive Order 2005-14 is amended to read as follows:

“D. Except as otherwise provided in this Section III.D, a member of the Commission appointed under Section III.B shall be appointed to serve for a term of 4 years. To provide for staggered terms, of the members initially appointed under Section III.B, 4 members shall be appointed for a term expiring on December 31, 2006; 4 members shall be appointed for a term expiring on December 31, 2007; 4 members shall be appointed for a term expiring on December 31, 2008; and 5 members shall be appointed for a term expiring on December 31, 2009. A member appointed under Section III.B shall continue to serve until a successor is appointed and qualified.”

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 13th day of February, in the year of our Lord, two thousand and six.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

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 Prusi as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 1026, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 32 (MCL 24.232).

Substitute (S-1).

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

1. Amend page 1, line 9, after “**PROMULGATED**” by striking out “**PURSUANT TO**” and inserting “**UNDER**”.
2. Amend page 2, line 3, by striking out “**UPON**” and inserting “**ON**”.

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:

**Senate Bill No. 1027, entitled**

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 10 (MCL 400.710), as amended by 1986 PA 257.

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. 1028, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 1 and 6 (MCL 400.1 and 400.6), as amended by 1995 PA 223.

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. 1029, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2233 (MCL 333.2233), as amended by 1996 PA 67.

Substitute (S-1).

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

1. Amend page 1, line 6, after "**BASED**" by striking out "**UPON**" and inserting "**ON**".

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:

**Senate Bill No. 1030, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 114 and 114a (MCL 330.1114 and 330.1114a), section 114 as amended and section 114a as added by 1995 PA 290.

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.

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:

**Senate Bill No. 1026**

**Senate Bill No. 1027**

**Senate Bill No. 1028**

**Senate Bill No. 1029**

**Senate Bill No. 1030**

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:

**Senate Bill No. 1026**

**Senate Bill No. 1027**

**Senate Bill No. 1028**

**Senate Bill No. 1029**

**Senate Bill No. 1030**

**House Bill No. 4544**

**House Bill No. 4727**

**Senate Bill No. 1024**

**House Bill No. 5043**

**House Bill No. 5044**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1026, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 32 (MCL 24.232).

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 3, following line 5, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5189 of the 93rd Legislature is enacted into law."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 66****Yeas—15**Barcia  
Basham  
Brater  
CherryClark-Coleman  
Clarke  
Emerson  
JacobsLeland  
Olshove  
Prusi  
SchauerScott  
Switalski  
Thomas**Nays—22**Allen  
Birkholz  
Bishop  
Brown  
Cassis  
CropseyGarcia  
George  
Gilbert  
Goschka  
Hammerstrom  
HardimanJelinek  
Johnson  
Kuipers  
McManus  
PattersonSanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom**Excused—0****Not Voting—0**

In The Chair: President

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. 67****Yeas—22**Allen  
Birkholz  
Bishop  
Brown  
Cassis  
CropseyGarcia  
George  
Gilbert  
Goschka  
Hammerstrom  
HardimanJelinek  
Johnson  
Kuipers  
McManus  
PattersonSanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom**Nays—15**Barcia  
Basham  
Brater  
CherryClark-Coleman  
Clarke  
Emerson  
JacobsLeland  
Olshove  
Prusi  
SchauerScott  
Switalski  
Thomas**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Jacobs, Clark-Coleman, Cassis, Cropsey, Hardiman, Sanborn, Hammerstrom, Schauer and Bishop asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' first statement is as follows:

This amendment tie-bars House Bill No. 5149 to the bill before us today, which I know is very controversial. Quite simply, this amendment would prohibit any state funds from going to any employer who interferes with or discourages unionization. I think both the providers as well as us as legislators want to be sure that we have a level playing field. What this does is include communicating in any form that an employee should vote against unionization, consulting with other persons to advise them on means to deter unionization, holding meetings to influence employees to refrain from unionization, etc.

Let's be clear. This amendment would not limit the rights of employees or labor organizations to engage in lawful activities relating to negotiation and enforcement in collective bargaining agreements. This is similar to laws that are currently on the books in other states. The National Labor Relations Act prohibits employer interference against unions for collective activity.

This amendment would basically bring state law in line with federal law. If we are going to say that the state can't discriminate against or be in favor of facilities with collective bargaining agreements, it just stands to reason that we should restrict state funds that go to employers who interfere with any type of organization. In the interest of fairness, I ask my colleagues to support this amendment.

Senator Clark-Coleman's statement is as follows:

It's unfortunate that we are here today discussing these measures. This is a divisive and unnecessary bill package. As we heard in committee, the workgroup set to revise these rules is still in the beginning stages of meetings. It is premature for us to pass legislation when they haven't even come to an agreement on a draft rule. The Department of Human Services assured the committee that the goal of this workgroup is to make changes where there is a consensus. I repeat—where there is a consensus. Let's be clear on that.

The department testified that the rules need to be promulgated along with those that are impacted by them. The department recognizes that in order to be effective, there has to be consensus and broad participation in developing these rules. Beyond that, these bills are designed to restrict the executive branch even from considering certain reforms.

Now let's take a look at how the rulemaking process is supposed to work. Before any rules could go into effect, they would, first of all, have to be cleared by the State Office of Administrative Hearings and Rules, as well as the nonpartisan Legislative Service Bureau. After a minimum of a 28-day notice period, the department would be required to hold at least one public hearing. The department would then be required to either adopt or explain their disagreement with any suggestion made at the public hearing. Then the rules would be submitted to the Legislature—that's us—before they could go into effect.

So I ask, why are we taking up this issue now while the workgroup is in the beginning stages of meetings? We need to step back from these bills and let the department and those involved in the industry complete the drafting process. The measures before us today are premature at best and anti-worker at worst.

We should be working with those involved to find solutions to the serious direct care issues facing our state rather than passing meaningless legislation that eliminates options and serves to divide all involved.

Senator Cassis' statement is as follows:

Personally and rather uniquely, I have specific knowledge and experience in this area. Many, many years ago, our niece was tragically, tragically injured in an automobile accident at the age of three. She has basically remained at that mental age level ever since. Most of her family, unfortunately, died in that tragic car accident—her mother, her father, her grandfather, and her aunt—but she survived. She is doing well and there is much that reminds her of the spirit within our family. She has been in a group home for, perhaps, at least the last twenty years. It's operated by the Macomb-Oakland Regional Center, under the auspices of the Michigan Department of Community Health.

It's under private operation and some four to five years ago, approximately the whole attitude and approach of how they were going to supervise and implement services to this small group home were changed. It was changed dramatically and I have to say, personally, for the better. It increased family communication—a very positive attitude—and the staff became extremely responsive and interactive with the family. They absolutely are doing a fantastic job.

My observation is that they are always pleasant and happy. They are glad to be doing what they are doing. So I have to ask the question: What's broken? What's broken that we now need rules promulgated? I have seen no documentation or evidence that anything needs to be fixed. Adopting the same rules, whether directed at unionized or privatized approaches, I believe, are going in the wrong direction.

The private sector, from my experience, is doing a great job, and it will continue to be sensitive to and meet the needs of both its employees and those whom they serve.

Senator Cropsey's first statement, in which Senator Hardiman concurred, is as follows:

A couple of things to keep in mind to the argument that these bills are not needed; that they are premature because no rules have been promulgated. That argument is patently false.



I have here a copy of the draft rules that are complete with typos from the Department of Community Health with a cohesive language. The draft was dated August 31, 2005. Providers were not consulted about these changes nor asked for their input. Only a public outcry is slowing down the culture of corruption that would use the power of government to deny choices to workers, throw senior citizens out on the street, and force workers to accept unionization or else.

One of the things to keep in mind—and this is from the Governor’s Long-Term Care Task Force that was set up to take a look at the rules—this is what the Long-Term Care Task Force had to say about the ad hoc revision committee that was set up then to try to jam these changes down the throats of our senior citizens. The Long-Term Care Task Force process was remarkably inclusive and carefully studied through many strengths, complexities, and weaknesses of our long-term health care system in Michigan. The task force made very specific recommendations on how to address assisted living and how to create a talented and valued long-term care workforce. We are gravely concerned that the ad hoc workgroup has not been given the latitude to implement the task force recommendations. We are also concerned that the ad hoc rule revision workgroup has not had sufficient time to adequately review all the proposed changes and relevant statutes.

The hurried schedule of meetings leaves time only for a superficial review and very little conversation. The facilitation of the workgroup needs improvement. The tone of the meetings lacks the open and collaborative spirit that was built in the task force process. This is signed by several members of the Long-Term Care Task Force, saying that the process really has been co-opted by people who have a different agenda, than truly having the concern of the people—the state of Michigan—especially our most vulnerable people, our senior citizens, at stake.

Why should we support these bills? Well, let me give you a couple of comments from the newspapers just recently. This one is from *The Oakland Press*. It says “Granholtz’s new long-term care rules are gift to union.” It doesn’t say anything about it being good for the people of the state of Michigan; about helping or increasing the standards and making it safer for our vulnerable senior citizens.

*The Detroit News*, December 31, 2005, which is originally when the administration wanted to see the rules implemented by truncating the time. *The Detroit News* editorial said, “Group home wage meddling sends a job-killing message. Proposed rules favor unions, violate worker privacy. Michigan is preparing to raise the cost of doing business here, repelling outside companies and perhaps killing existing ones in the process.”

The rules process that was alluded to earlier, when it talks about going through the Legislative Service Bureau to have them drafted, yes, they do that. The Service Bureau does not have any policy input. Then it goes out for hearings, and the department can have one hearing if they wish. Well, they must have one hearing; they can have more. But at that time, do they have to take into consideration and actually make any changes that are requested by people in the system, by people outside of the system? No, the department bureaucrats can be on orders from the head office and say you will do this and they will do that. Then it is talked about coming to the Legislature—submitted to the Legislature—well, submitting it to the Legislature, and the Legislature having to act is not there. They may submit it to the Legislature. You know what? As legislators, we don’t have any power to do anything with it. All that’s done is given to the Legislature and it’s submitted to the Secretary of State and it becomes an administrative rule with the force of law. So can you turn it down as a Legislature? No, we can’t turn it down as a Legislature. You have no say in the process of rulemaking when it comes right down to it if the administration doesn’t want you to have the say.

So do these rules need to be stopped? Absolutely, they need to be stopped. First of all, they are not helping the senior citizens of this state. Secondly, if they are adopted, it will increase the cost of health care. When you increase the cost of health care, you will have homes close. When you have homes close, you will have senior citizens, vulnerable senior citizens out on the streets. Is that what this administration wants to do? Let me ask you, is that what they want to do? If we are going to stop senior citizens from being thrown out on the streets, we have to pass this legislation.

Senator Hardiman’s first statement is as follows:

I wish to speak also to the bills before us, the package, Senate Bill Nos. 1026-1030. It has been stated that we are in the beginning stages of the rulemaking process. This is not the beginning stage of the rulemaking process. In fact, as I stated earlier, the process was truncated. It was an advisory committee set up in August. It was told that it would meet for about a year. At the next meeting or so, it was told that it would end in April. Then at the next meeting or so, it was told that it would end in October. It ended in the middle of October.

This process was truncated. I believe it is for a good reason. These rules that we are discussing are bad policy. The rules, as it has already been stated, will come before the Legislature. The Legislature cannot change or amend the rules. These bills do not take away the department’s ability to promulgate rules. We support the department continuing the advisory process. Let’s be quite open about that. It was stated in the *Detroit Free Press* that the DHS spokesperson stated in November that the final draft would be given to the state rulemaking agency within a few weeks.

The word “consensus” was not heard until we had a committee hearing on these bills. I would hope that there would be consensus that would be reached. But that was not the process that had taken place. These bills simply state that facilities should not be given preference based on the presence of collective bargaining agreements. The government should not be in that business.

It has been stated previous to my comments from editorials in Michigan papers, including *The Oakland Press*.

Senator Jacobs' second statement is as follows:

Just want to clarify one thing. As early as the end of last week, I brought together part of the provider's coalition and the department to talk about where we needed to be to move forward. There was agreement in my office that rules would not be promulgated until there was consensus, and everybody seemed to be fine leaving my office with that assurance.

I recognize that the process got out of hand. I think that a lot of people looked into what was going on, perhaps with, kind of with their own blinders on. But at the end of the day—I come from the provider's community—our job is to make sure that the people who are served in the adult foster care industry are well taken care of and that there is less of a turnover; that we want to be sure of workers, we want to be sure that everyone works in a safe environment; and that the consumers are really the people who at the end of the day who we really should be caring about.

So I will be voting against these bills, with the understanding that I will continue to work with the administration and the providers to get to the goals that I think all of us share.

Senator Sanborn's statement is as follows:

I rise actually to commend the chairman for his leadership on this most important issue. The chairman of the committee did a great job.

You know, as we were in the committee—and it was an honor to serve on the committee—the union lobbyist tried to suggest that having unionized labor in our regulated facilities that receive preferential treatment somehow could impact the quality of health care. I find this argument to be insulting.

What they fail to understand is that some people care for our elderly for reasons of the heart and not necessarily reasons of the pocketbook. The compassion that these dedicated employees, who traveled to testify in the committee—the compassion that these employees show for our most vulnerable cannot be negotiated in a collective bargaining agreement.

I urge your support for this package.

Senator Hammerstrom's statement is as follows:

Colleagues, I rise in support of this package, and I, too, would like to commend the chairman of the Families and Human Services Committee for his timely introduction of this package of bills.

It has been talked about today that this is too early in the process for us to pass this legislation. I disagree. We can continue to work on the rules that are directed at safety. What these bills do is take off the table arbitrary preferences to unionized facilities.

I urge us to pass the bills and get back to the process of drafting rules that take into consideration the recommendations of the Long-Term Care Task Force, focused on the safety of those vulnerable individuals who reside in these facilities.

Senator Schauer's first statement is as follows:

I rise to clarify an inaccurate, at best, or misleading statement, at worst, made by the Senator from the 33rd District regarding this rulemaking process and the ability. Well, one, to clarify whether these proposed rules or eventually proposed rules would need to come to this legislative body or to the Legislature in general and as to whether this Legislature has the ability to act.

Clearly, and this is important, because I know there are many people watching, some even in the Gallery following this debate and it probably is confusing. But I want to make sure that everyone understands that the Department of Human Services in this case would have to submit proposed rules to the Legislature through the Joint Committee on Administrative Rules, otherwise known as JCAR.

The Legislature has an opportunity to review the actual rules, not some draft rules or workgroup product, or something like that. We don't have rules that have been submitted yet, but the Legislature would have the opportunity to review the actual rules and decide whether to object or not, and that's done through the JCAR process. And by the way, I have here in my hand MCL 24.245a of the Administrative Procedures Act, which outlines that process.

The Legislature has many options. If the Legislature is concerned about what is proposed in those rules, the Legislature could submit a bill at that point that would fix or address any of those concerns through specific legislation, and any of those problems could be worked out. So I just wanted to make that clarification.

Senator Cropsey's second statement is as follows:

I was just referred to by the previous speaker on the rules process. Let's be very clear. When the rules are submitted to the Joint Committee on Administrative Rules, can you amend those rules as the Legislature in the administrative rules process? No, you can't amend the rules. Can you reject the rules in the Joint Committee on Administrative Rules through the legislative process there? No, you can't reject the rules.

The administration can go ahead and they can force the rules upon the people of the state of Michigan. The administrative rules process, for all practical purposes, in the Legislature as far as the joint committee, is just a toothless tiger and everybody knows it. The previous speaker knows it.

So to get up here and try and say that we're going to have all sorts of input and everything else is absolutely, blatantly untrue. I know because I fought Governor Engler on that very same point. I think what he did was wrong. What this Governor is doing is wrong because when it comes to vulnerable people, we ought to be the ones setting the policy and not some faceless bureaucrat somewhere who is being told by people in the front office who are committed to unionization—and only unionization—on what they are going to do. Very frankly, if we allow these type of rules to go through, then we have abdicated our responsibility as a Legislature to be setting the policy for the people of the state of Michigan.

Senator Hardiman's second statement is as follows:

To the point that this package is a bit of a knee-jerk reaction to an unfinished process and that it's very early in the process, I want to be perfectly clear. The sponsoring of these bills is not a knee-jerk reaction. In fact, I contacted the director of the Department of Human Services at least 10 months ago regarding these rules. I also asked her and sent a letter to her back in April because I heard about these rules, which finally after that, I believe in July, that we actually saw a memo regarding the rules. This is not a knee-jerk reaction. That is not what we are doing. We are reacting to a real situation.

I appreciate the fact that the department is willing to sit down and continue the committee process and come to a consensus. But that was stated at the hearing regarding these bills.

I continue my support of the package, and I ask that this body approve the bills.

Senator Schauer's second statement is as follows:

This is a great opportunity for all of us to understand the rulemaking process, the authority of JCAR, and the authority of this Legislature. So I appreciate the opportunity. I will read from MCL 24.245a of the Administrative Procedures Act, specifically subsection (3) and this refers to JCAR, the Joint Committee on Administrative Rules. It says, "If the committee"—meaning JCAR—"files a notice of objection within the time period prescribed in subsection (1), the committee chair, the alternate chair, or any member of the committee shall cause bills to be introduced in both houses of the legislature simultaneously. Each house shall place the bill or bills directly on its calendar." It means before each body. "The bills shall contain 1 or more of the following: (a) A rescission of a rule upon its effective date"—a rescission; "(b) A repeal of the statutory provision under which the rule was authorized; (c) A bill stating the effective date of the proposed rule for up to 1 year."

So this is very clear, colleagues. We clearly have the ability when it's right, and we don't have rules before us, so this really is a moot point.

Senator Bishop's statement is as follows:

I didn't intend to engage in this conversation, but as the chair of the Joint Committee on Administrative Rules, I want to rise in support of the good Senator from the 33rd District who referred to the committee as a toothless tiger and agree with him. The committee is set up in a way to provide some oversight on the rulemaking process, but really, indeed, has no authority to reject rules or amend rules as they come through the committee.

In fact, the committee has a limited amount of time to take up the rules, to consider them, and as the good Senator previously said, we do have the authority to submit a bill into each chamber and have those passed rejecting the rule, rescinding it, or extending the time period within which it can go into effect. But let's not forget the rest of the legislative process. Those bills then have to go to the Governor for her signature. It seems to me that we've got those rules in the first place from the administration. I don't necessarily think there is a functional process in place that can address these issues.

Unfortunately, this Legislature has been steamrolled by administrative rules on more than one occasion. The administrative rules process has become a process by which bureaucrats can make an end-run round on the legislative process. They circumvent the Legislature. They supplant state law with the administrative process that is our responsibility as a Legislature to create legislation, and we're being replaced by a process that has gone way wrong.

Having said that, I just feel that we need to have a candid discussion. We hear this talk about how we're confused about the process, that there seems to be something in place. There, in fact, is no process in place right now. We'd like that to be in place. I would call upon this Governor to be a leader and step up and create a process to bring true accountability to this process. In fact, maybe reinstate the rules of JCAR that we once had. That seems to be the consensus agreement today that all of us have discussed and that we, indeed, want accountability in the process.

I want to make that clarification, Mr. President.

The following bill was read a third time:

**Senate Bill No. 1027, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 10 (MCL 400.710), as amended by 1986 PA 257.

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. 68**

**Yeas—22**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jelinek  
Johnson  
Kuipers  
McManus  
Patterson

Sanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom

**Nays—15**

Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Emerson  
Jacobs

Leland  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1028, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 1 and 6 (MCL 400.1 and 400.6), as amended by 1995 PA 223.

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. 69**

**Yeas—22**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jelinek  
Johnson  
Kuipers  
McManus  
Patterson

Sanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom

**Nays—15**

Barcia  
Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Emerson  
Jacobs

Leland  
Olshove  
Prusi  
Schauer

Scott  
Switalski  
Thomas

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1029, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2233 (MCL 333.2233), as amended by 1996 PA 67.

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. 70**

**Yeas—22**

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

**Nays—15**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1030, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 114 and 114a (MCL 330.1114 and 330.1114a), section 114 as amended and section 114a as added by 1995 PA 290.

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. 71****Yeas—22**

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

**Nays—15**

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

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4544, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 508 (MCL 750.508), as amended by 2002 PA 672.

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. 72****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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0****Excused—0**

**Not Voting—0**

In The Chair: President

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

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

The following bill was read a third time:

**House Bill No. 4727, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

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. 73**

**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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of

criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1024, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 540 (MCL 750.540).

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. 74**

**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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

These bills all work together with one purpose. These bills would make it easier to prosecute domestic violence cases. This is a terrible crime which afflicts all of our communities in visible and silent ways.

One of the main threats in domestic violence is when the aggressor seeks to isolate the victim and keep her from help or support. Senate Bill No. 1024 would penalize persons who destroy telecommunications equipment, such as



phones, cell phones, or even computers in the act of domestic violence. Prosecutors say that it would be easier to bring charges if the law is amended to include this destruction as part of the offense. One of the weapons in domestic violence is to make the victim feel like she is alone and no one will come to her aid.

By passing these bills, we will stand with the victims and let them know that they are not alone and not beyond help. These are good bills. They deserve our support, and I hope that the Senate will strongly approve all three bills.

The following bill was read a third time:

**House Bill No. 5043, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 540 (MCL 750.540).

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. 75**

**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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5044, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

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. 76****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	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Scott’s statement is as follows:

Not wanting to belabor the issue, I want to briefly respond to some comments that were made last week pertaining to facts that are not manipulated or manufactured. The good chair of the Senate Banking and Financial Institutions

Committee did, indeed, state some facts that I could probably agree with. There are more vehicles per square mile in our urban settings; there very well may be more uninsured motorists simply because they cannot afford the high costs of obtaining auto insurance; and health care costs in urban areas can be higher. I've been saying for a long time that it costs more to live in our urban areas. We tend to pay more for everything.

The concern that I have is with a statement that insinuated that the price that residents in urban areas must pay for auto insurance is proportionate to these factors that have been mentioned. I must beg to differ. I would not call paying \$6,000 per year for auto insurance proportionate to what others across the state are paying. There are many Detroiters who would love to pay a rate that is even remotely closer to the state average. No, I would say that what residents in urban areas are paying for auto insurance is disproportionate to what others across the state are paying.

I have never stated that ratepayers in urban areas shouldn't pay their fair share. What I have said is the rates we are paying are exceedingly higher and far above our fair share, particularly for someone with a spotless driving record.

Contrary to what the chair of the Senate Banking and Financial Institutions Committee says, I stand every day on the Senate floor advocating for solutions to help bring rate relief to the many citizens in this state who are forced to pay premiums that are simply outrageous. I cannot simply turn my back on my constituents and many of your constituents who are pleading with the Legislature to take action. They need our intervention, and I implore you to work with me in search of workable solutions to a very serious public policy issue.

What we need to do is understand what fairness is. Fairness is for all of us in this state.

Senator Basham's statement is as follows:

It's interesting to listen to the debate in this chamber today. We talked about the frail and the elderly. There is another group of folks out there we need to talk about. Those are the folks who are making the minimum wage. It's been eight years since the federal minimum wage has been raised. That's far too long for this state's struggling families. For every year the federal government fails to boost the minimum, working families pay the price of the rising cost of living as it erodes the value of their paycheck. We shouldn't let it be happening in Michigan.

This Legislature has failed to move a bill that I introduced last year. As a matter of fact, there was a discharge motion and it's still sitting on the calendar for Senate Bill No. 318 of June 29, 2005.

There's a reason that the public is angry, and they want to put an issue like this on the ballot. If the minimum wage today was worth what it was in 1968, it would be worth about \$8.50, yet it remains stuck at \$5.15. Congress should act to raise the minimum wage immediately, but instead, they sit on their hands at the federal level and that's disgraceful.

We need to support working families and show that Michigan values hard work, and raising the minimum wage would directly benefit 400,000-plus Michigan workers statewide, according to the U.S. Department of Labor, Bureau of Labor Statistics.

When the minimum wage was established more than 60 years ago, it was done so with the idea that people who work hard deserve a decent living. We need to, again, discharge and support a minimum wage in this state. I would call on my colleagues from both sides of the aisle to support me in the discharge of this bill. It's obvious that it won't get heard in committee, and I would encourage every colleague in this chamber to look at talking to the leadership of this chamber and ask for a discharge motion of the minimum wage.

Let's pay working families in Michigan what they deserve. With today's minimum wage, you gross \$206 a week, you net some \$170, and you'll put 25 to 30 of those dollars in your gas tank. Most folks working the minimum wage can't afford to buy a sports utility vehicle or a home. The arguments made about the minimum wage hurting small businesses are simply not true. Eighteen states have adopted a higher minimum wage in this country. Michigan should too. Actually, the studies show that for those states that have adopted a higher minimum wage, it actually spurs the economy. Those folks aren't buying CDs; they need that money. It's long overdue. It's been over eight years, and I would encourage members' support.

By unanimous consent the Senate returned to the order of

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

Senator Kuipers introduced

#### **Senate Bill No. 1045, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending the title and sections 1, 2, 4, and 11 (MCL 722.21, 722.22, 722.24, and 722.31), the title as amended by 1996 PA 19, section 2 as amended by 2004 PA 542, section 4 as amended by 1998 PA 482, and section 11 as added by 2000 PA 422, and by adding sections 5a, 5b, 5c, 5d, 5e, and 5f.

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

**House Bill No. 4536, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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. 4893, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

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. 5624, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1305 (MCL 500.1305), as amended by 1992 PA 182.

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 Banking and Financial Institutions.

**Committee Reports**

The Committee on Health Policy reported

**Senate Resolution No. 72.**

A resolution to memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients.

(For text of resolution, see Senate Journal No. 90 of 2005, p. 1933.)

With the recommendation that the resolution be adopted.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Health Policy reported

**House Bill No. 4606, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 8, 2006, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Emerson

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**Senate Bill No. 603, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**Senate Bill No. 604, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.

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 Sanborn  
Chairperson

To Report Out:

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

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 Economic Development, Small Business and Regulatory Reform submitted the following:  
Meeting held on Wednesday, February 8, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Appropriations reported

**Senate Bill No. 959, entitled**

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending section 11 (MCL 54.271).

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Goschka, Cropsey, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senators Stamas, Brown, Jelinek, McManus, Hardiman and George

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**Senate Bill No. 838, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: Senators Hardiman, Scott and Clarke

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**Senate Bill No. 839, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2004 PA 544.

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

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: Senators Garcia, Hardiman and George

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

The Committee on Appropriations reported

**House Bill No. 5498, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Goschka, Hardiman, George, Prusi, Scott, Cherry, Clarke and Switalski

Nays: Senators Brown, Garcia, Cropsey, Jelinek, McManus and Barcia

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 8, 2006, at 2:25 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, February 9, 2006, at 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Thursday, February 9, 2006, at 7:00 p.m., Kent ISD, 2930 Knapp NE, Grand Rapids

Present: Senators Kuipers (C) and Van Woerkom

Excused: Senators Cassis, Clark-Coleman and Leland

#### Scheduled Meetings

**Agriculture, Forestry and Tourism** - Thursday, February 16, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, February 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Community Colleges** - Wednesday, February 22, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health Department** - Tuesdays, February 21, February 28 and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Tuesdays, February 21, February 28, March 7 and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Fridays, February 17, 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing; February 24, Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

**Higher Education and House Higher Education and Career Preparation** - Thursday, February 16, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Judiciary and Corrections** - Tuesday, February 21, 3:00 p.m., Room 402, Capitol Building (373-3760)

**K-12, School Aid, Education** - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

**Natural Resources Department** - Wednesdays, February 15, 8:30 a.m., and February 22, March 1, March 8 and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**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)

**Banking and Financial Institutions** - Thursday, February 16, 12:00 noon, Room 100, Farnum Building (373-2417)

**Education** - Thursday, February 16, 4:30 p.m., Midland County Educational Service Agency (ESA), 3917 Jefferson, Midland (373-6920)

**Finance** - Wednesday, February 15, 12:00 noon, Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, February 15, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

**Local, Urban and State Affairs** - Thursday, February 16, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Michigan Law Revision Commission** - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

**Technology and Energy** - Wednesday, February 15, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:27 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 15, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

