

No. 38
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, April 26, 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—excused
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

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

Senator Kenneth R. Sikkema of the 28th District offered the following invocation:

Our Lord and our God, we begin this day with thankful hearts. We thank You for the beauty of this spring morning. We thank You for the many blessings that You've given each and every one of us and the richness of our lives with those blessings. We thank You in particular for giving us the opportunity we have to serve our fellow citizens in this chamber today.

We have many challenges as a state. We ask for and beseech You that You give us an extra measure of Your wisdom and Your guidance as we deliberate today, both in this chamber, in our committee meetings, and the various meetings we have.

Lord, our God, we want to close this prayer by being reminded of something You have told us through Your prophet Micah. That is, that he has told you, O mortal, what is good and what the Lord requires of you: to do justice, to love kindness, and to walk humbly with your God.

This and more we ask in Your name. Amen.

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

Senators Johnson, Goschka, Birkholz, Leland and Thomas entered the Senate Chamber.

Motions and Communications

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

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

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

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

10:11 a.m.

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

During the recess, Senator Allen introduced and congratulated the Traverse City Central High School Hockey Team, Division 2 State Champions and Coach Chris Givens.

Coach Givens responded briefly.

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

Senate Bill No. 246

The motion prevailed.

The following communication was received:
Department of Human Services

April 19, 2006

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

Type of Report
Interim

Facility
Gogebic County DHS

License #
CP270201149

This report was performed in compliance with the requirements of PA. 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 Tuesday, April 25:
House Bill Nos. 5142 5143 5153 5300 5301 5302 5303 5304 5305 5306 5307 5308 5309 5310 5548

The Secretary announced that the following official bills were printed on Tuesday, April 25, and are available at the legislative website:

Senate Bill Nos. 1227 1228 1229 1230

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

Senate Bill No. 777, entitled

A bill to amend 1965 PA 329, entitled “Michigan seed law,” (MCL 286.701 to 286.716) by amending the title, as amended by 1988 PA 455, and by adding section 14; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Third Reading of Bills

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

Senate Bill No. 1039

House Bill No. 5154

The motion prevailed.

Senator Clarke entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1039, entitled

A bill to amend 2004 PA 175, entitled “Streamlined sales and use tax revenue equalization act,” (MCL 205.171 to 205.191) by adding section 14.

The question being on the passage of the bill,

Senator McManus offered the following amendment:

1. Amend page 2, following line 17, by inserting:

“Enacting section 1. This amendatory act takes effect 60 days after the date it is enacted.”.

The amendment was 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. 261

Yeas—36

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

Nays—0

Excused—1

Hammerstrom

Not Voting—1

Birkholz

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5154, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 7a (MCL 207.377a), as added by 2002 PA 680.

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. 262

Yeas—37

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

Nays—0

Excused—1

Hammerstrom

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 impose a state excise tax on persons engaged in the business of providing an airport parking facility; to provide for the levy, assessment, and collection of the tax; to provide for the disposition of the collections from the tax; to create the airport parking fund; to authorize the distributions from the fund; to authorize the use of distributions from the fund as security for bonds and other obligations; to prescribe certain other matters relating to bonds and other obligations; to prescribe the powers and duties of certain state officers; and to provide for an appropriation.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey 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 Garcia 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 without amendment, the following bills:

Senate Bill No. 468, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 13 (MCL 15.243), as amended by 2002 PA 437.

House Bill No. 4423, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 1c (MCL 445.111c), as added by 2002 PA 612.

House Bill No. 5811, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 3 (MCL 445.113), as amended by 2002 PA 612.

House Bill No. 4976, entitled

A bill to amend 1978 PA 232, entitled “An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act,” by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

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. 465, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16177 and 20175 (MCL 333.16177 and 333.20175), section 16177 as amended by 1998 PA 332 and section 20175 as amended by 2000 PA 319, and by adding sections 16213 and 20175a.

Substitute (S-2).

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

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

Senate Bill No. 466, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 111b (MCL 400.111b), as amended by 2000 PA 187.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 467, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 17020, and 17520 (MCL 333.16221, 333.17020, and 333.17520), section 16221 as amended by 2004 PA 214 and sections 17020 and 17520 as added by 2000 PA 29, and by adding sections 17020a, 17520a, and 20170a.

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.

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

Senate Resolution No. 108.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Whitmer, Schauer, Emerson, Cherry, Olshove, Prusi, Switalski, Jacobs, Brater, Scott, Clark-Coleman, Basham, Clarke, Leland, Barcia and Thomas offered the following resolution:

Senate Resolution No. 123.

A resolution to memorialize the President of the United States and the United States Congress to pass legislation to bring the price of gasoline down for consumers by capping oil profits and using federal antitrust laws to prosecute any oil companies pocketing extra profits in the wake of disasters like Hurricane Katrina.

Whereas, Michigan citizens are paying close to \$3.00 a gallon for unleaded regular gasoline; and

Whereas, The average price for unleaded regular gasoline is 64 cents per gallon higher than this time last year; and

Whereas, This is the highest gasoline prices have been since immediately after Hurricane Katrina in 2005; and

Whereas, The average price for a barrel of oil recently topped \$75.00 for the first time in history; and

Whereas, This per-barrel price is approaching the inflation-adjusted highs of nearly \$80.00 a barrel of the late 1970s and early 1980s; and

Whereas, Oil prices have increased 240 percent since President George W. Bush's inauguration in January 2001; and

Whereas, Michigan's manufacturing, agricultural, and tourist economies are disproportionately impacted by rising fuel costs; and

Whereas, Michigan's citizens and businesses are feeling the pressure of increased gasoline prices every day; and

Whereas, The Congressional Research Service estimates that the rising cost of oil added \$70 billion to the nation's trade deficit in 2005; and

Whereas, Oil companies in the S & P 500 reported fourth-quarter profits last year that rose on average 48 percent compared to a year ago; and

Whereas, ExxonMobil reported \$36.1 billion in profits in 2005, making it the largest corporation in the world; and

Whereas, The company's net income last year came to \$1,146 per second, enough to pay for gas for the average American vehicle to be driven more than 10,000 miles, at current gasoline prices; now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States and the United States Congress to pass legislation to bring the price of gasoline down for consumers by capping oil profits and using federal antitrust laws to prosecute any oil companies pocketing extra profits in the wake of disasters like Hurricane Katrina; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Cropsey moved that further consideration of the resolution be postponed temporarily.

The motion prevailed.

House Concurrent Resolution No. 15.

A concurrent resolution to request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices.

Whereas, Rapidly rising gasoline prices are rippling through the American economy and creating difficult financial situations for individual families and businesses. With crude oil prices hitting \$75 per barrel—an increase of more than 40 percent in less than a year—the country faces a great challenge. While there are numerous factors behind the escalating prices of oil to record levels, there are valid concerns across the country that there could be instances in which prices are being artificially increased in some situations because of activities that are not related solely to market forces; and

Whereas, The path from the oil field to the consumer is a long one. Refining, distribution, marketing, and storage are all processes that must operate above suspicion in order to assure the American people that the prices they pay are honest. Worries over price gouging, collusion, or other illegal activities can seriously undermine the public's trust; and

Whereas, It is essential that all efforts be made to ensure integrity in this critically important element of our economy. The United States Attorney General and the Federal Trade Commission should take the lead in protecting the public from illegal activities. This vigilance must extend to refining; transportation of fuel by pipelines, marine vessels, and trucks; storage and marketing, including at the wholesale level; and commodity trading; and

Whereas, American consumers have every right to expect that markets are fair and that their governmental agencies and personnel are doing all they can to eliminate all illegal activities, including artificial spot shortages; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we respectfully request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States.

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that further consideration of the concurrent resolution be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Cropsey moved that the Committee on Transportation be discharged from further consideration of the following resolution:

Senate Resolution No. 61.

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

By unanimous consent the Senate returned to the order of

Resolutions

By unanimous consent the Senate returned to consideration of the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices.

(This concurrent resolution was received from the House earlier today, rules suspended and consideration postponed. See p. 787.)

The question being on the adoption of the concurrent resolution,
Senator Schauer offered the following amendments:

1. Amend the title, line 4, after “prices” by inserting “and memorializing Congress to pass and the President to sign legislation to cap oil profits and using federal anti-trust laws to prosecute any companies violating the law by reaping unlawful profit”.

2. Amend the resolution, following the first Resolved clause, by inserting:

“Resolved, That we respectfully request that the Congress of the United States pass and the President sign legislation to cap oil company profits; and be it further

Resolved, That we respectfully request the United States Attorney General and the Department of Justice to vigorously investigate and prosecute any price gouging or profiteering by oil companies; and be it further”.

The question being on the adoption of the amendments,

Senator Sikkema moved that further consideration of the concurrent resolution be postponed temporarily.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:40 a.m.

10:46 a.m.

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

Senate Resolution No. 61.

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices.

The question being on the adoption of the resolution,

Senator Gilbert offered the following substitute:

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices and to call on the Governor of the State of Michigan to investigate potential effects of state government policies that may add to the price of gasoline in Michigan.

Whereas, Michigan citizens and businesses are paying nearly \$3.00 per gallon for unleaded regular gasoline and are feeling the pressure of increased gasoline prices every day; and

Whereas, The average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, This is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department, and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, The average price for a barrel of oil recently topped \$75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, This per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan’s manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, The Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, There are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide, as well as the switch from winter to summer gasoline blends; and

Whereas, To address these concerns, the President has ordered a temporary suspension of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, While our nation’s refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, New refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, Legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, The Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, One approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel, and other alternative fuels, our nation will enhance its security by becoming less dependent on foreign sources of oil; now, therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anticompetitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

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

The question being on the adoption of the substitute,

Senator Sikkema moved that the previous question be ordered on the adoption of the substitute and the resolution.

The motion prevailed.

The question being on the adoption of the substitute,

Senator Cropsey requested the yeas and nays.

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

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

Roll Call No. 263

Yeas—32

Allen	Cropsey	Johnson	Schauer
Barcia	Garcia	Kuipers	Sikkema
Basham	George	Leland	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Goschka	Olshove	Thomas

Brown
Cassis
Cherry

Hardiman
Jacobs
Jelinek

Patterson
Prusi
Sanborn

Toy
Van Woerkom
Whitmer

Nays—5

Brater
Clark-Coleman

Clarke

Emerson

Scott

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

The question being on the adoption of the resolution, as substituted,
Senator Cropsey requested the yeas and nays.

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

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

Roll Call No. 264

Yeas—34

Allen
Barcia
Basham
Birkholz
Bishop
Brown
Cassis
Cherry
Clarke

Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hardiman
Jacobs
Jelinek

Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—3

Brater

Clark-Coleman

Scott

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

Senators Allen, Bishop, Brown, Cassis, Cropsey, George, Gilbert, Goschka, Hardiman, Jelinek, Kuipers, McManus, Patterson, Sikkema, Toy and Van Woerkom were named co-sponsors of the resolution.

By unanimous consent the Senate returned to consideration of the following resolution:

Senate Resolution No. 123.

A resolution to memorialize the President of the United States and the United States Congress to pass legislation to bring the price of gasoline down for consumers by capping oil profits and using federal antitrust laws to prosecute any oil companies pocketing extra profits in the wake of disasters like Hurricane Katrina.

(This resolution was offered earlier today, rules suspended and consideration postponed. See p. 786.)

The question being on the adoption of the resolution,

Senator Sikkema offered the following substitute:

A resolution to memorialize the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices and to call on the Governor of the State of Michigan to investigate potential effects of state government policies that may add to the price of gasoline in Michigan.

Whereas, Michigan citizens and businesses are paying nearly \$3.00 per gallon for unleaded regular gasoline and are feeling the pressure of increased gasoline prices every day; and

Whereas, The average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, This is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department, and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, The average price for a barrel of oil recently topped \$75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, This per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan's manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, The Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, There are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide, as well as the switch from winter to summer gasoline blends; and

Whereas, To address these concerns, the President has ordered a temporary suspension of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, While our nation's refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, New refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, Legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, The Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, One approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel, and other alternative fuels, our nation will enhance its security by becoming less dependent on foreign sources of oil; now, therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anticompetitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

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

The question being on the adoption of the substitute,

Senator Sikkema moved that the previous question be ordered on the adoption of the substitute and the resolution.

The motion prevailed.

The question being on the adoption of the substitute,

Senator Cropsey requested the yeas and nays.

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

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

Roll Call No. 265

Yeas—31

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

Nays—6

Brater	Clarke	Scott	Whitmer
Clark-Coleman	Emerson		

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

The question being on the adoption of the resolution, as substituted,
 Senator Cropsey requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 266**Yeas—35**

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

Nays—2

Brater	Scott
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Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

Senators Bishop, Brown, Cassis, Cropsey, Gilbert, Goschka, Hardiman, Jelinek, Kuipers, McManus, Patterson, Sikkema, Toy, Van Woerkom and Birkholz were named co-sponsors of the resolution.

Protests

Senators Brater, Clark-Coleman and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution Nos. 61 and 123.

Senator Clark-Coleman moved that Senator Brater's statement be printed as her reasons for voting "no" on Senate Resolution No. 61.

The motion prevailed.

Senator Brater's statement, in which Senator Clark-Coleman and Scott concurred, is as follows:

I would have said this earlier, but the question was called and I think it's unfortunate we weren't permitted to give debate on that.

This is a very problematic resolution that's just been adopted. First of all, it calls on and endorses the President's call to temporarily suspend environmental rules for gasoline. I think that is a very imprudent thing to do. We have some very serious air and water pollution issues in this state and in this nation because of gasoline, exhausts and we should not be suspending those rules. It's a very shortsighted solution to this problem.

The other thing I'm concerned about in this resolution is the call to increase efforts to decrease the nation's dependence on foreign sources of energy by increasing domestic oil and gas exploration and production. That sounds an awful lot to me like looking at the Alaskan National Wildlife Refuge as a potential place for drilling. We heard a lot of conversations this week about that in Washington, and I think it's a very bad course of action. There's a lot of other ways we can achieve energy independence, including conservation, alternative fuels, and other things that this resolution does talk about, but there's a very serious error in this resolution.

Finally, this Legislature missed a very important chance to help Michigan consumers achieve independence from high gasoline prices when we failed to allow the communities across the state to, under Part 196, extend the number of years they collect millages for mass transit systems so that they would be eligible to apply for federal funds. When this Senate adopted that measure regarding Part 196, they limited it to one community—to Grand Rapids; whereas, there are many, many communities across the state that are looking to give citizens the opportunity to choose other ways of commuting to work besides the single-occupancy vehicle. It's very difficult for people to choose an option other than burning gasoline in these high-gasoline-price days when we don't have sufficient mass transit options in this state.

So I think there are some real opportunities this Legislature has missed in order to address this issue that we could do here on the state level, and I'm very disappointed that this resolution was passed in this form.

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

The motion prevailed.

Senator Scott moved that the statement be printed as her reasons for voting "no" on Senate Resolution No. 123.

The motion prevailed.

Senator Whitmer's statement, in which Senators Clark-Coleman and Scott concurred, is as follows:

In the last few weeks, I've been asked what's the best thing about coming to the Senate and I said we all have an opportunity to speak. The majority is not afraid of dissent even though we may disagree. I pushed my button quickly because we had cut off debate on the most important issue facing people in this country right now and it's the staggering price of gas. People are making devastating choices. We don't know what those choices are because we're not faced with them because we've got a little more discretionary money than the average person in this state, but they're choosing between child care, and they're choosing between food or going out. They're making tough choices in order to fill up their gas tanks.

Earlier this month, it was announced that ExxonMobil Corporation surpassed Wal-Mart as the most profitable company in the world, all while consumers are facing exorbitant gas prices. According to *Fortune* magazine, ExxonMobil reported \$36 billion in net income last year, making it more profitable than the next four companies of the Fortune 500.

Consumers are entitled to a serious response to this inequity that could very well threaten our state's economy. This is especially important as we embark on the summer travel season in a state where tourism is the second-largest industry, along with agriculture and manufacturing, all of which are impacted by high gas prices.

According to an ABC News poll, 70 percent of Americans say they are suffering financial hardship from higher gas prices. The same two oilmen in the White House, who finally acknowledged there's a problem yesterday, are the ones who proposed a federal energy bill that included billions of dollars in tax cuts and sweetheart deals for Big Oil, but did nothing to reduce the price of gas in our country. Instead of a business-as-usual response from the President and Congress, we need leaders who are willing to take on the big oil companies that are reaping record profits while working families struggle to get by.

After Hurricane Katrina, Governor Granholm made a direct appeal to oil companies which resulted in the reduction of almost 8 percent in gas prices. We need the same type of leadership at the federal level. Because of the national scope of the gas supply and limits on state governments, we're forced to talk about jurisdiction in the Interstate Commerce Clause. But you know what? Our constituents deserve better. They expect us to do something, so I propose that we urge Washington to cap profits. That's what the original intent of this resolution was, and that's the original intent of my interests in this issue; to actually do something for the working people of this state, for everybody in this state—because we are all going to feel the pain at the pump and the pain in our pocketbooks if gas prices continue to rise and that the big oil companies, most profitable people in the world, keep making a buck at our expense.

By unanimous consent the Senate returned to consideration of the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices.

(This concurrent resolution was announced earlier today, amendments offered and consideration postponed. See p. 787.)

The question being on the adoption of the amendments offered by Senator Schauer,

Senator Cropsey moved that the previous question be ordered on the adoption of the amendments and the concurrent resolution.

The motion prevailed.

Senator Schauer requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 267

Yeas—21

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

Nays—16

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

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

The question being on the adoption of the amendments,

Senator Schauer requested the yeas and nays.

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

The amendments were adopted, a majority of the members voting therefor, as follows:

Roll Call No. 268

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski

Brater
Brown
Cassis
Cherry
Clark-Coleman

Gilbert
Goschka
Hardiman
Jacobs

Olshove
Patterson
Prusi
Sanborn

Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

The question being on the adoption of the concurrent resolution, as amended,
Senator Sikkema requested the yeas and nays.

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

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

Roll Call No. 269

Yeas—37

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

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—1

Hammerstrom

Not Voting—0

In The Chair: President

Senators Barcia, Basham, Birkholz, Cassis, Cherry, Clarke and Goschka were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1231, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3b of chapter XI (MCL 771.3b), as amended by 1998 PA 49.

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

Senator Switalski introduced

Senate Bill No. 1232, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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

House Bill No. 5142, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

The House of Representatives has passed the bill.

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

House Bill No. 5143, entitled

A bill to clarify the rights and duties of self-defense and the defense of others; and to provide for certain remedies.

The House of Representatives has passed the bill.

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

House Bill No. 5153, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27 to chapter VII.

The House of Representatives has passed the bill.

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

House Bill No. 5300, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 44h.

The House of Representatives has passed the bill.

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

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled "Michigan nursing scholarship act," by amending section 4 (MCL 390.1184).

The House of Representatives has passed the bill.

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

House Bill No. 5302, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

The House of Representatives has passed the bill.

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

House Bill No. 5303, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

The House of Representatives has passed the bill.

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

House Bill No. 5304, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324).

The House of Representatives has passed the bill.

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

House Bill No. 5305, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

The House of Representatives has passed the bill.

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

House Bill No. 5306, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404).

The House of Representatives has passed the bill.

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

House Bill No. 5307, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

The House of Representatives has passed the bill.

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

House Bill No. 5308, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

The House of Representatives has passed the bill.

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

House Bill No. 5309, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

The House of Representatives has passed the bill.

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

House Bill No. 5310, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7b (MCL 390.1457b), as added by 2004 PA 595.

The House of Representatives has passed the bill.

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

House Bill No. 5548, entitled

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

The House of Representatives has passed the bill.

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

Statements

Senators Scott and Schauer 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:

You know, I just want to let my colleagues know that the Governor is working with the clergy in Detroit on a citywide insurance reduction program. That conference is being held at this moment. So I am encouraged by the determination and the commitment to bring rate relief to the constituents—my constituents and your constituents. So I am just hoping that this conference will bring about a change, and hopefully, we will soon work together to bring about a change for relief and have affordable insurance rates in the state of Michigan.

Senator Schauer's statement is as follows:

I had pressed my speak button to speak on an amendment I had put up, which passed unanimously, by the way, to House Concurrent Resolution No. 15. It's unfortunate that the strategy of the majority party was to limit debate, and in fact, a motion to move the previous question was made immediately. I'm disappointed that members would support that motion. As you know, there was a record roll call vote passed on a party line. I'm proud that my caucus members support free and open debate in this chamber. My comment is that that's a dangerous road to go down, colleagues, if we don't even allow members to speak to their amendments. You know, we have an opportunity to make statements under Statements, so if you're trying to save time, that doesn't really serve its purpose. I believe that it sends a bad message to our democratic process. Unfortunately, we seem to be acting more like the other chamber as was alluded to earlier by our newest Senator.

Just a brief comment on the resolutions that were adopted. Senator Emerson back in September introduced Senate Resolution No. 61. Sadly, it took newspaper headlines and even some action finally by the President to start to address or at least take some efforts that will hopefully address the high price of gasoline—last September, that's eight months, colleagues. Unfortunately, rather than being proactive on behalf of our constituents and so many businesses in our state that are feeling the pinch of high gas prices and exorbitant profits, it takes newspaper headlines to get us to move.

It is interesting to me, as Senator Whitmer cited earlier, that ExxonMobil, which is now the largest company in the world with profits of over \$36 billion, as I thought about this, prices are clearly going up, but this company is raking in profits which aren't necessarily connected to price. You can raise a price without also reaping the benefit of profiting. So they're profiteering on behalf of these high prices and on behalf of our consumers.

I'm glad that my amendment was added. It addressed some of the points that Senator Whitmer had attempted to make in her original Senate Resolution No. 123, which was subsequently gutted.

So, colleagues, I hope we're all serious about this. To refer to the comments made by Attorney General Mike Cox to the press earlier this week, we do need the help in the leadership from Washington, and I hope that these resolutions do that.

The Associate President pro tempore, Senator Barcia, assumed the Chair.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 1051, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration

of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2004 PA 384.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: Senators Leland and Basham

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

The Committee on Transportation reported

Senate Bill No. 1182, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2004 PA 9.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, April 25, 2006, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, April 25, 2006, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators George (C), McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 25, 2006, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), McManus and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 25, 2006, at 1:10 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, April 25, 2006, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, April 25, 2006, at 3:00 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, April 25, 2006, at 3:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, April 25, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Cropsy (C), Brown, Garcia, Switalski and Prusi

Scheduled Meetings

21st Century Jobs Funds Joint Select Oversight Committee (SCR 38) - Thursday, April 27, 1:30 p.m. or later after committees are given leave by the House to meet, Room 519, South Tower, House Office Building (373-2420)

Appropriations -

Subcommittees -

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

Commerce, Labor and Economic Development - Wednesdays, May 10 and May 17, 3:00 p.m., Room 405, Capitol Building (373-2420)

General Government - Tuesdays, May 2, May 9 and May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, May 9 and May 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

Human Services Department - Wednesdays, May 3, May 10 and May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-1801)

Judiciary and Corrections - Tuesday, May 2, 3:00 p.m., Room 402, Capitol Building (373-3760)

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

Transportation Department - Tuesdays, 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, April 27, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, April 27, 2:00 p.m., Room 210, Farnum Building (373-6920)

Transportation - Tuesday, May 2, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:34 a.m.

The Associate President pro tempore, Senator Barcia, declared the Senate adjourned until Thursday, April 27, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate