

No. 58
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, June 13, 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—excused
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

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

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

Heavenly Father, as we gather this morning in this beautiful chamber to begin our week of deliberative actions that impact the citizens of this state, let us reflect upon the words of your faithful servant, St. Francis of Assisi:

“Lord, make me an instrument of Thy peace;

Where there is hatred, let me sow love;

Where there is injury, pardon;

Where there is doubt, faith;

Where there is despair, hope;

Where there is darkness, light;

And where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console;

To be understood as to understand;

To be loved as to love;

For it is in giving that we receive,

It is in pardoning that we are pardoned,

And it is in dying that we are born to eternal life.”

Amen.

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

Motions and Communications

Senator Sanborn entered the Senate Chamber.

Senator Schauer moved that Senator Thomas be temporarily excused from today’s session.

The motion prevailed.

Senator Schauer moved that Senator Clarke be excused from today’s session.

The motion prevailed.

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

Senate Bill No. 246

The motion prevailed.

Senator Hammerstrom moved that Senator Garcia be temporarily excused from today’s session.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Director, Department of State Police

Mr. Peter C. Munoz of 1215 Mizzen Drive, Okemos, Michigan 48864, county of Ingham, succeeding Tadarial J. Sturdivant, who has resigned, appointed for a term commencing June 10, 2006 and expiring at the pleasure of the Governor.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

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

Senate Bill No. 443

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

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

June 8, 2006

Pursuant to Joint Rule 3(a), I have made conferee appointments to the following Conference Committees:

Senate Bill 1080: Senator Brown, Senator Jelinek, Senator Barcia
Senate Bill 1082: Senator Jelinek, Senator Goschka, Senator Switalski
Senate Bill 1083: Senator Stamas, Senator George, Senator Cherry
Senate Bill 1084: Senator Cropsey, Senator Brown, Senator Prusi
Senate Bill 1085: Senator Jelinek, Senator Cropsey, Senator Scott
Senate Bill 1086: Senator McManus, Senator Goschka, Senator Barcia
Senate Bill 1087: Senator Garcia, Senator McManus, Senator Switalski
Senate Bill 1088: Senator Goschka, Senator Johnson, Senator Cherry
Senate Bill 1089: Senator George, Senator McManus, Senator Clarke
Senate Bill 1090: Senator Hardiman, Senator George, Senator Scott
Senate Bill 1091: Senator Cropsey, Senator Hardiman, Senator Prusi
Senate Bill 1092: Senator Garcia, Senator George, Senator Prusi
Senate Bill 1093: Senator Brown, Senator Stamas, Senator Clarke
Senate Bill 1094: Senator McManus, Senator Johnson, Senator Barcia
Senate Bill 1095: Senator Jelinek, Senator Cropsey, Senator Switalski
Senate Bill 1096: Senator Brown, Senator Stamas, Senator Clarke
Senate Bill 1097: Senator Johnson, Senator Stamas, Senator Prusi
House Bill 5796: Senator Johnson, Senator Stamas, Senator Prusi
House Bill 5786: Senator Garcia, Senator McManus, Senator Switalski

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:
Joint Committee on Administrative Rules

Waiver of Remaining Session Days

June 8, 2006

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote waived the remaining session days for the following rule set: Department of Labor and Economic Growth—Director's Office—Prepaid Funeral and Cemetery Sales (2005-07 LG) dated April 28, 2006.

If the committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule according to MCL 24.245a(2).

Sincerely,

Senator Michael Bishop
Chair

Representative Jim Marleau
Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:
Meeting held on Thursday, June 8, 2006, at 8:00 a.m., Room 405, Capitol Building
Present: Senators Bishop (C), Jelinek, Kuipers and Barcia
Absent: Senator Thomas

The following communication was received:
Office of the Auditor General

June 8, 2006

Enclosed is a copy of the following audit report:
Performance audit of Gus Harrison Correctional Facility and Par Highway Correctional Facility, Department of Corrections.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

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

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

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

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

Recess

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

The motion prevailed, the time being 10:08 a.m.

10:16 a.m.

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

During the recess, Senator Cropsy introduced Eric Jones, Corrections Officer of the Year, and presented him with a Special Tribute.

Senator Birkholz and Mr. Jones responded briefly.

During the recess, Senator Thomas entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 8:
House Bill Nos. 5348 5349 5901 6084 6110

The Secretary announced the enrollment printing and presentation to the Governor on Monday, June 12, for her approval the following bills:

Enrolled Senate Bill No. 471 at 3:00 p.m.
Enrolled Senate Bill No. 472 at 3:02 p.m.
Enrolled Senate Bill No. 473 at 3:04 p.m.
Enrolled Senate Bill No. 474 at 3:06 p.m.
Enrolled Senate Bill No. 475 at 3:08 p.m.
Enrolled Senate Bill No. 476 at 3:10 p.m.
Enrolled Senate Bill No. 478 at 3:12 p.m.
Enrolled Senate Bill No. 481 at 3:14 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Thursday, June 8, and are available at the legislative website:

Senate Bill Nos.	1290	1291	1292	1293	1294	1295	1296	1297											
House Bill Nos.	6137	6138	6139	6140	6141	6142	6143	6144	6145	6146	6147	6148	6149	6150					
	6151	6152	6153	6154	6155	6156													
House Joint Resolution	Y																		

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

Senate Bill No.	1298																		
House Bill Nos.	6157	6158	6159	6160	6161	6162	6163	6164	6165	6166	6167	6168	6169	6170					
	6171	6172	6173	6174	6175	6176	6177	6178	6179	6180	6181	6182	6183	6184					
	6185	6186	6187																

Messages from the Governor

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

Senate Bill No. 272

Senate Bill No. 271

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

The motion prevailed.

Senator Garcia entered the Senate Chamber.

Director, Department of State Police

Mr. Peter C. Munoz of 1215 Mizzen Drive, Okemos, Michigan 48864, county of Ingham, succeeding Tadarial J. Sturdivant, who has resigned, appointed for a term commencing June 10, 2006 and expiring at the pleasure of the Governor.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 504

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Switalski's statement is as follows:

I had the chance to take part in the confirmation hearing of Lieutenant Colonel Peter Munoz as Director of the Michigan Department of State Police. I had never met Mr. Munoz, but in listening to him for over an hour, I gained a good appreciation of his intelligence, spirit, and character.

I would point out one thing in his resume. I believe he graduated from Holy Redeemer in 1973 in Detroit. That confirmed for me something that I have long maintained and argued for over 37 years. That is, this simple and eternal truth: the Class of '73 rules.

Now, in addition to that, Mr. Munoz is both articulate and capable. He has a quality of humility, rare in his position, I think. He takes pride in the department. He rose up as a trooper and has served in many different jobs in the department. He has that pride without being imperious or arrogant. He has a clear quality of leadership and a connection to the rank and file that I think means they will follow him as a great leader.

So I totally support his nomination and I ask the Senate to confirm him.

Senator Brown's statement is as follows:

I do rise to support the nominee Colonel Peter Munoz. Mr. President, by all indications, Colonel Peter Munoz is an exceptionally qualified candidate to serve as the Director of the Department of State Police.

Colonel Munoz has served the department in numerous capacities since joining the Michigan State Police in 1978. His career includes service as a trooper, as part of the Governor's security detail, as a post commander, as an equal employment opportunity officer, as a district commander, and as deputy director of the department.

As deputy director for the past three years, Colonel Munoz has overseen the Field Services Bureau, including all 63-plus State Police posts, the Special Investigations Division, the Motor Carrier Division, and the Field Operations Division.

In testimony before the State Police Subcommittee, Colonel Munoz displayed a commitment to working hand in hand with local law enforcement, with our military, and with the Legislature in the interest of public safety. He committed himself to keep an open door and to be communicative with the Legislature and with the subcommittee. Organizations such as the Michigan State Police Troopers Association and the Michigan State Police Command Officers Association both expressed their support for the new director.

As chair of the State Police Subcommittee, Mr. President, I look forward to working with Colonel Munoz in his new role as Director of the Department of State Police, and I urge my colleagues to approve his nomination.

The following message from the Governor was received and read:

June 9, 2006

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

Respectfully,
Jennifer M. Granholm
Governor

**Special Message
To the Michigan Legislature**

**Protection of Economic Development Efforts
Jeopardized by Proposed Repeal of the Single Business Tax**

June 9, 2006

To the Members of the Michigan Legislature:

Last week, an initiative petition seeking to repeal the Single Business Tax Act effective December 31, 2007 was filed with the Department of State. If the Board of State Canvassers determines that the initiative petition submitted includes the signatures of a sufficient number of registered electors, the proposed repeal will be presented to you for enactment without change or amendment. If not enacted within 40 days, the proposed repeal would be submitted to Michigan voters for approval or rejection on November 7, 2006. While the initiative petition provides for the repeal of the Single Business Tax, no provision is made for replacing the nearly \$2 billion in business tax revenue generated annually by the tax to support important services for Michigan families, including education, healthcare, and public safety.

In their effort to eliminate the Single Business Tax, the proponents of the initiative irresponsibly failed to address the many economic development and job creation incentives included within Michigan's current business tax structure and the existing commitments made to businesses that have relocated or expanded in Michigan. This is negatively

impacting economic development and job creation in Michigan. As I indicated in a March 31, 2006 message to the House of Representatives, repealing the Single Business Tax without a replacement business tax in place casts a cloud of uncertainty over Michigan's business climate. Job providers considering investment or expansion in Michigan are unable to estimate what their tax obligations may be without a replacement tax or substantially modified Single Business Tax in place. Uncertainty about taxes is a powerful disincentive to the new investment and job creation that Michigan needs. That is why I have repeatedly stressed the importance of acting now to determine just what will replace the Single Business Tax and the nearly \$2 billion it generates each year.

Now, the pending repeal of the Single Business Tax is jeopardizing the effectiveness of important economic development tools that Michigan uses to: compete against other states and countries for jobs; redevelop former industrial and other brownfield sites for productive new use; preserve and restore historic assets for redevelopment; attract new development and jobs to areas throughout Michigan in need of development; and remain a productive partner in key local economic development projects. Businesses currently considering creating jobs, deciding whether to keep jobs in Michigan, and perhaps most troubling, businesses that have already chosen Michigan in part because of these incentives, have expressed grave concern regarding this uncertainty. Many projects on the drawing board seeking approval this year are now in peril. Financing for many of these projects has been withdrawn or put on hold until this issue is resolved. Job growth and investment in Michigan is being affected. In fact, there are a number of job-creation and community development projects now at risk.

To minimize the negative consequences and uncertainty for the Michigan economy caused by the proposed repeal of the Single Business Tax Act without a replacement and to protect the effectiveness of Michigan's economic development incentives, I urge you to act expeditiously to adopt legislation to:

- Enact a new state law guaranteeing that Single Business Tax employment tax credits authorized under an agreement with the Michigan Economic Growth Authority will be preserved under any successor tax enacted to replace the Single Business Tax;
- Amend the Michigan Renaissance Zone Act to assure that a business that has committed to a Renaissance Zone location will be exempt from any business tax replacing the Single Business Tax to the same extent and duration that the business would have qualified had the Single Business Tax remained in effect; and
- Amend the provisions of Sections 38g and 39c of the Single Business Tax Act relating to brownfield and historic preservation tax credits to extend the date for receiving a certificate of completion of eligible investment allowing a taxpayer to claim a credit on a return for the 2007 tax year.

To assist you in acting quickly to address the negative impact of the proposed repeal of the Single Business Tax and preserve vital economic development and job creation incentives, I have directed the State Treasurer to provide you with proposed language to accomplish these changes before the Legislature reconvenes on Tuesday, June 13, 2006. The Michigan Economic Development Corporation also is available to provide information and answer questions about the important need to make these changes for Michigan's economic development efforts.

Michigan cannot afford to lose any new development project, whether it's the redevelopment of the Book Cadillac Hotel in Detroit or a manufacturing project in West Michigan. I urge you to act with haste to remedy this pressing problem and protect jobs in Michigan.

Finally, while these changes are needed to address the most immediate problems caused by the proposed repeal of the Single Business Tax Act, at a more fundamental level the uncertain business climate only can be addressed by the enactment of a replacement business tax that simplifies businesses taxes, lowers the rate, broadens the base, and replaces revenue currently generated by the Single Business Tax. I urge you to adopt a replacement tax consistent with these objectives before December 31, 2006.

Respectfully,
Jennifer M. Granholm
Governor

The message was referred to the Secretary for record.

The following message from the Governor was received on June 12, 2006, and read:

EXECUTIVE ORDER
No. 2006-9

Recognizing Flag Day and Flag Month

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, on June 14, 1777, the Second Continental Congress adopted a resolution providing that the "flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field";

WHEREAS, since that time, those stars and stripes have symbolized hope and pride-inspiring in battle, reassuring in times of peace, and comforting during times of grief;

WHEREAS, the flag of the United States is a symbol of national unity that represents the values of liberty, justice, and equality upon which our Republic was founded;

WHEREAS, for more than 200 years, Americans have proudly displayed the flag of the United States at homes, schools, businesses, and government facilities;

WHEREAS, to commemorate the adoption of our national flag, the United States Congress, by a joint resolution approved on August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day;

WHEREAS, under Section 1 of 1998 PA 460, MCL 2.91, June 14 to July 14 of each year is designated as the official flag month of this state;

WHEREAS, Flag Day and Flag Month provide an opportunity to pause and reflect on our flag's rich history and meaning for Americans and people throughout the world;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim:

1. State departments and agencies are directed to assure appropriate display of the flag of the United States on or near state buildings on Flag Day, Wednesday June 14, 2006, and throughout Flag Month, from Wednesday June 14, 2006 to Friday, July 14, 2006.

2. The People of the State of Michigan are urged to observe Flag Day and Flag Month by flying the flag of the United States from their homes and other suitable places, to honor America and celebrate our national heritage.

3. The handling and displaying the flag of the United States is encouraged according to federal law and the following guidelines established under Section 1 of 1998 PA 460, MCL 2.91:

a. The flag of the United States should be at the center and at the highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.

b. When flags of states, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the flag of the United States should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No other flag or pennant should be placed above the flag of the United States or to the United States flag's right.

c. When flags of two or more nations are displayed, they should be flown from separate staffs of the same height. The flags should be of approximately equal size. A flag of one nation should not be placed above the flag of another nation in time of peace.

d. When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff. The flag should be hoisted out, union first, from the building.

e. When the flag of the United States is displayed either horizontally or vertically, the union should be uppermost and to the flag's own right and should be to the observer's left. When displayed in a window, the flag of the United States should be displayed in the same way, with the union or blue field to the left of the observer in the street.

f. When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street and to the east in a north and south street.

g. When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker.

h. When displayed from a staff in a church or public auditorium, the flag of the United States should be at the clergyman's or speaker's right as he or she faces the audience. Any other flag displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

i. The flag of the United States should form a distinctive feature of the ceremony of unveiling a public statue or monument, but the flag should not be used as the covering for the public statue or monument.

j. The flag of the United States, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be raised to the peak before it is lowered for the day.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of June, 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.

The following message from the Governor was received on June 12, 2006, and read:

EXECUTIVE ORDER
No. 2006-10

**Displaying the Flag at Half-Staff as a Mark of
Respect for the Memory of the Dead**

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

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of Michigan's armed forces;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, by order of the President, the flag of the United States shall be displayed at half-staff upon the death of principal figures of the United States and the governor of a state, territory or possession;

WHEREAS, in the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with the law;

WHEREAS, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States shall be displayed at half-staff;

WHEREAS, it is appropriate that the flag of the United States be displayed at half-staff on state buildings, grounds, and facilities as directed by the President or the Governor;

WHEREAS, it is particularly appropriate that the flag of the United States be displayed at half-staff throughout the State of Michigan and on Michigan waters as a mark of respect for the memory and in honor of the service of members of our Armed Forces killed in the line of duty;

WHEREAS, it is desirable to provide direction for the uniform observance of this mark of respect to state departments and agencies and guidance to the People of the State of Michigan generally on such occasions;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim:

I. DISPLAYING THE FLAG AT HALF-STAFF

A. The flag of the United States shall be displayed at half-staff at state buildings, grounds, and facilities, as provided in this Order and as otherwise directed by the Governor.

B. All requests to display the flag at half-staff at state buildings, grounds, and facilities and any questions from state departments or agencies relating to displaying the flag at half-staff shall be directed to the Legal Counsel to the Governor.

C. The Department of Management and Budget shall assist the Office of the Governor with implementing this Order, communicating directions regarding displaying flags at half-staff, and assuring compliance by state departments and agencies.

D. When this Order provides for the flag to be displayed at half-staff on a statewide basis, Michigan residents, businesses, schools, local governments, and other organizations also are urged to display the flag at half-staff.

E. As provided by federal law, when displayed at half-staff, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

F. As provided by federal law, no other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States. When flags of states, cities, or localities or pennants of societies are displayed on the same halyard with the flag of the United States, the flag of the United States should always be at peak. When flags are displayed from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No flag of a state, city, locality, or pennant of a society may be placed above the flag of the United States or to the United States flag's right. When flags of two or more nations are displayed, they are to be displayed from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace. International usage also provides that the flag of another nation should never be displayed at half-staff unless authorized by that nation.

G. As used in this Order, the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.

II. ANNUAL DAYS TO DISPLAY FLAG AT HALF-STAFF

A. Consistent with federal law, the flag of the United States shall be displayed at half-staff throughout the State of Michigan on the following days each year:

1. Peace Officers Memorial Day, May 15, (36 USC 136, 36 USC 137; Executive Order 2006-7).
2. Memorial Day, the last Monday in May, until noon only (4 USC 7).
3. Patriot Day, September 11 (36 USC 144).
4. Pearl Harbor Remembrance Day, December 7 (36 USC 129; Executive Order 2005-27).

III. HONORING MEMBERS OF OUR ARMED FORCES

A. Because members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending our nation's security, the State of Michigan recognizes the duty, honor, and selfless service of all military personnel and remembers those who have given the ultimate sacrifice by laying down their lives to defend the freedoms the United States of America holds so dear.

B. As recognized under Proclamation 2003-4, issued on December 10, 2003, the flag of the United States shall be displayed at half-staff throughout the State of Michigan on a day designated by the Governor when any of the following occurs.

1. A member of the Michigan National Guard is killed in the line of duty.
2. A member of the Michigan Air National Guard is killed in the line of duty.
3. A Michigan resident serving as a member of the United States Armed Forces is killed in the line of duty.

C. The Governor offers the deepest condolences to the family, friends, colleagues, and loved ones of all Michigan servicemen and servicewomen killed in the line of duty.

IV. HONORING FEDERAL OFFICIALS

A. Upon the death of the President of the United States or a former President of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Michigan for 30 days from the day of death.

B. Upon the death of the Vice President of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Michigan for 10 days from the day of death.

C. Upon the death of the Chief Justice of the United States or a retired Chief Justice of the United States, the flag of the United States shall be displayed at half-staff throughout the State of Michigan for 10 days from the day of death.

D. Upon the death of the Speaker of the United States House of Representatives, the flag of the United States shall be displayed at half-staff throughout the State of Michigan for 10 days from the day of death.

E. The flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment upon the death of any of the following:

1. An Associate Justice of the United States Supreme Court.
2. A member of the Cabinet of the President of the United States.
3. A former Vice President of the United States.
4. The President Pro Tempore of the United States Senate.
5. The Majority Leader of the United States Senate.
6. The Minority Leader of the United States Senate.
7. The Majority Leader of the United States House of Representatives.
8. The Minority Leader of the United States House of Representatives.

F. Upon the death of a United States Senator representing the State of Michigan, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

G. Upon the death of a Member of Congress representing a congressional district within the State of Michigan, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and within the congressional district from the day of death until interment.

H. Upon the death of a former United States Senator who represented the State of Michigan, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities.

I. Upon the death of a former Member of Congress who represented a congressional district within the State of Michigan, the flag of the United States shall be displayed at half-staff within the State Capitol Complex.

V. HONORING STATE OFFICIALS

A. Upon the death of the Governor or a former Governor, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

B. Upon the death of the Lieutenant Governor, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

C. Upon the death of the Secretary of State, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

D. Upon the death of the Attorney General, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

E. Upon the death of the Chief Justice of the Michigan Supreme Court, the flag of the United States shall be displayed at half-staff throughout the State of Michigan from the day of death until interment.

F. Upon the death of an Associate Justice of the Michigan Supreme Court the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.

G. Upon the death of a judge of a Michigan court of record, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and at all court buildings and facilities within the State of Michigan from the day of death until interment.

H. Upon the death of the Speaker of the Michigan House of Representatives, the Majority Leader of the Michigan House of Representatives, the Minority Leader of the Michigan House of Representatives, the President Pro Tempore of the Michigan Senate, the Majority Leader of the Michigan Senate, or the Minority Leader of the Michigan Senate, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.

I. Upon the death of a member of the Michigan Senate, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and at all state buildings, grounds, and facilities within the senate district served by the member from the day of death until interment.

J. Upon the death of a member of the Michigan House of Representatives, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and at all state buildings, grounds, and facilities within the house district served by the member from the day of death until interment.

K. Upon the death of a former member of the Michigan House of Representatives or the Michigan Senate, the flag of the United States shall be displayed at half-staff within the State Capitol Complex from the day of death until interment.

L. Upon the death of a director of a principal department of the Executive Branch, the flag of the United States shall be displayed at all state buildings, grounds, and facilities from the day of death until the day of interment.

M. Upon the death of the Adjutant General of the State of Michigan, the flag of the United States shall be displayed at half-staff at all state buildings, grounds, and facilities from the day of death until interment.

N. Upon the death of a former Adjutant General of the State of Michigan, the flag of the United States shall be displayed at half-staff within the State Capitol Complex and at Michigan military facilities from the day of death until interment.

VI. MISCELLANEOUS

A. In the event of the death of other officials, former officials, foreign heads of state, foreign dignitaries, and other persons, the flag of the United States shall be displayed at half-staff in accordance with any orders, directions, or instructions issued by the President of the United States or the Governor.

B. When the flag of the United States is displayed at half-staff at a government facility, the manager of the facility or other appropriate official is encouraged to post in a location visible to members of the public visiting the facility the name of the individual memorialized so as to better inform government employees and the public why the flag is displayed at half-staff.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of June, 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.

Messages from the House

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

Senate Bill No. 875

Senate Bill No. 538

Senate Bill No. 693

The motion prevailed.

Senate Bill No. 1080, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Hansen, Walker and Brown as conferees to join with Sens. Brown, Jelinek and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 1082, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Booher, Steil and Sak as conferees to join with Sens. Jelinek, Goschka and Switalski.

The bill was referred to the Conference Committee.

Senate Bill No. 1083, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Caswell, Kahn and Alma Smith as conferees to join with Sens. Stamas, George and Cherry.

The bill was referred to the Conference Committee.

Senate Bill No. 1084, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Pastor, Acciavatti and Alma Smith as conferees to join with Sens. Cropsey, Brown and Prusi.

The bill was referred to the Conference Committee.

Senate Bill No. 1085, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has appointed Reps. Moolenaar, Farhat and Plakas as conferees to join with Sens. Jelinek, Cropsey and Scott.

The bill was referred to the Conference Committee.

Senate Bill No. 1086, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Pastor, Moolenaar and Kolb as conferees to join with Sens. McManus, Goschka and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 1087, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative

branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has appointed Reps. Acciavatti, Taub and Gonzales as conferees to join with Sens. Garcia, McManus and Switalski.

The bill was referred to the Conference Committee.

Senate Bill No. 1088, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Stewart, Caul and Kolb as conferees to join with Sens. Goschka, Johnson and Cherry.

The bill was referred to the Conference Committee.

Senate Bill No. 1089, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Amos, Taub and Cheeks as conferees to join with Sens. George, McManus and Clarke.

The bill was referred to the Conference Committee.

Senate Bill No. 1090, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has appointed Reps. Shaffer, Kahn and Kolb as conferees to join with Sens. Hardiman, George and Scott.

The bill was referred to the Conference Committee.

Senate Bill No. 1091, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has appointed Reps. Steil, Stewart and Cushingberry as conferees to join with Sens. Cropsey, Hardiman and Prusi.

The bill was referred to the Conference Committee.

Senate Bill No. 1092, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has appointed Reps. Brandenburg, Amos and Kolb as conferees to join with Sens. Garcia, George and Prusi.

The bill was referred to the Conference Committee.

Senate Bill No. 1093, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has appointed Reps. Caul, Walker and Sak as conferees to join with Sens. Brown, Stamas and Clarke.

The bill was referred to the Conference Committee.

Senate Bill No. 1094, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Walker, Booher and Williams as conferees to join with Sens. McManus, Johnson and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 1095, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 20, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32k, 32l, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632k, 388.1632l, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1705, 388.1705c, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11f, 11j, 15, 18, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, and 54a as added by 2005 PA 155, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, sections 25a and 161a as added by 1998 PA 553, section 32k as added by 2004 PA 351, and section 121 as amended by 1995 PA 130, and by adding sections 11m, 11n, 22c, 22e, 24a, 24c, 29, 31c, 32, 32b, 32m, 34, 34a, 35, 64, 65, 66, 98a, 99c, and 104; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Moolenaar, Farhat and Plakas as conferees to join with Sens. Jelinek, Cropsey and Switalski.

The bill was referred to the Conference Committee.

Senate Bill No. 1096, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has appointed Reps. Caul, Walker and Sak as conferees to join with Sens. Brown, Stamas and Clarke.

The bill was referred to the Conference Committee.

Senate Bill No. 1097, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2007; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has appointed Reps. Taub, Acciavatti and Hood as conferees to join with Sens. Johnson, Stamas and Prusi.

The bill was referred to the Conference Committee.

Senate Bill No. 816, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 498b. The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2006."

The House of Representatives has passed the bill as amended, 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.

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

The motion prevailed.

Senator George's statement is as follows:

I have two guests in the east Gallery—my daughter Maria and she is accompanied by her friend Emma Hawker. Maria and Emma graduated from Hackett High School in Kalamazoo a week and a half ago, and they are headed off to college this fall. Emma is following the family tradition and will be attending the University of Michigan. Maria is breaking the family tradition and will be the first George to attend Michigan State University.

Senate Bill No. 817, 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 House of Representatives has substituted (H-2) the bill.

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

A bill to amend 1927 PA 175, entitled "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," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2006 PA 40.

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

Senate Bill No. 861, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1146, entitled

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

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 505**Yeas—37**

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

Nays—0**Excused—1**

Clarke

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1147, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 689, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of

certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," (MCL 691.1401 to 691.1419) by adding section 7c.

(For text of amendments, see Senate Journal No. 57, p. 1265.)

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 506

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

June 8, 2006

Pursuant to Joint Rule 3(a), I have made conferee appointments to the following Conference Committees:

Senate Bill 1080: Representative Hansen as Chairperson
Senate Bill 1087: Representative Acciavatti as Chairperson
Senate Bill 1089: Representative Amos as Chairperson
Senate Bill 1090: Representative Shaffer as Chairperson
Senate Bill 1091: Representative Steil as Chairperson
Senate Bill 1092: Representative Brandenburg as Chairperson

Senate Bill 1093: Representative Caul as Chairperson
Senate Bill 1096: Representative Caul as Chairperson
Senate Bill 1097: Representative Taub as Chairperson

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

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

Senate Bill No. 958, 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.

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 Transportation.

The motion prevailed.

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 Kuipers 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. 1127, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5061, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA 50, and by adding section 11a.

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. 443, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531g. Substitute (S-4).

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 443

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. 1125

Senate Bill No. 1267

House Bill No. 5217

Senate Bill No. 443

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1125, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2, 3, and 5 (MCL 445.902, 445.903, and 445.905), section 2 as amended by 1984 PA 91 and section 3 as amended by 2004 PA 462.

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. 507

Yeas—37

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

Nays—0

Excused—1

Clarke

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. 1267, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 25b (MCL 257.25b), as added by 2000 PA 82.

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. 508**Yeas—37**

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

Nays—0**Excused—1**

Clarke

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. 5217, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting

devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

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. 509

Yeas—32

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

Nays—5

Brater	Emerson	Jacobs	Scott
Clark-Coleman			

Excused—1

Clarke

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 443, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1531g.

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. 510

Yeas—37

Allen	Cropsey	Jelinek	Schauer
Barcia	Emerson	Johnson	Scott

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

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

Senate Resolution No. 149

The resolution consent calendar was adopted.

Senator Patterson offered the following resolution:

Senate Resolution No. 149.

A resolution proclaiming June 15, 2006, as Tanith Belbin and Ben Agosto Day in Michigan.

Whereas, It is a great honor and privilege to salute Tanith Belbin and Ben Agosto. Tanith and Ben won the silver medal for ice dancing in the 2006 Olympic Games in Torino, Italy—the first ice dancing medal the United States has won since 1976. It is our honor that these great athletes have selected the Arctic Edge in Canton, Michigan, for their training; and

Whereas, During their journey to becoming Olympic medalists, Tanith and Ben put in many hours of practice and endured many obstacles, such as Tanith's United States citizenship eligibility status. This was corrected with the help of U.S. Senator Carl Levin and U.S. Congressman Thaddeus McCotter, who, with an act of Congress signed on December 30, 2005, made it possible for them to skate for the United States; and

Whereas, Tanith and Ben are no strangers to success. Tanith and Ben have competed in 41 events since beginning their training and placed 5th or better in 37 of them. In addition, they have brought home such victories as three Junior Grand Prix titles, two World Junior championships, the Cup of China, the Nehellhorn Trophy, three championships from the Smart Ones Skate America, three State Farm U.S. championships, and three Four Continent championships. Most recently, they brought home the bronze medal from the 2006 World Championships; and

Whereas, Not only are they superior athletes, Tanith and Ben are excellent humanitarians. When the devastating tsunami hit Southeast Asia, they sponsored a fundraiser—the "Skate-Aid"—which raised nearly \$35,000 for the American Red Cross to assist with their efforts in tsunami relief; and

Whereas, In March 2006, Tanith and Ben taught 350 children the fundamentals of skating as part of the first-ever Marshall's Skate Fest. The basic skills program allowed children to discover the joys of skating. Tanith and Ben's dedication to the future skaters of our country speaks volumes about their commitment to this sport; and

Whereas, While the entrance street into Canton's Arctic Edge is now rightfully named "Ben and Tanith Drive," we would also like to express our gratitude; now, therefore, be it

Resolved by the Senate, That we hereby proclaim June 15, 2006, as Tanith Belbin and Ben Agosto Day in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to Ms. Belbin and Mr. Agosto in recognition of their outstanding accomplishments.

Senators Bishop and Birkholz offered the following resolution:

Senate Resolution No. 148.

A resolution to recognize the Vietnamese Freedom and Heritage Flag as the flag of the Vietnamese-American community.

Whereas, The people of the former Republic of Vietnam were valiant in their resistance to the aggression of communist North Vietnam, and thousands of Vietnamese men and women made the ultimate sacrifice in defense of freedom; and

Whereas, Many officers and enlisted personnel of the former Republic of Vietnam, as well as teachers, intellectuals, and artists, were imprisoned as enemies of the state; and

Whereas, The current government of Vietnam continues to harass, interrogate, and arrest individuals advocating democracy; and

Whereas, The flag of the free Vietnamese people consists of three horizontal stripes of red upon a field of gold, and this flag is an eternal symbol of the hope and love of freedom for all people of Vietnamese descent, just as the American flag symbolizes these virtues for citizens across the United States; and

Whereas, Dating back to 1948, the red and gold striped flag has a history in Vietnam and is a broader symbol of resilience, freedom, and democracy for the Vietnamese-American community; and

Whereas, This flag remains as a poignant reminder of the threat of communism and the imperative of remaining vigilant in opposition to tyranny of all forms and actively supporting human rights; and

Whereas, The end of the Vietnam conflict produced an exodus of over 2 million Vietnamese seeking political asylum in the free world who bravely risked their lives to live under the prosperity of democracy; and

Whereas, Many of these refugees settled in Michigan, and thousands of Vietnamese Americans and residents of Vietnamese descent live in Michigan; and

Whereas, Numerous municipalities across the country and several states have taken the formal step of extending recognition of the red and gold striped Vietnamese Freedom and Heritage Flag as the symbol of the Vietnamese-American community; now, therefore, be it

Resolved by the Senate, That we hereby recognize the Vietnamese Freedom and Heritage Flag, with three red stripes set on a gold background, as the flag of the Vietnamese-American community; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Vietnamese-American Coalition of Michigan.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Allen, Cassis, Cropsey, Goschka, Hardiman and Schauer were named co-sponsors of the resolution.

House Concurrent Resolution No. 30.

A concurrent resolution to memorialize the Congress of the United States to eliminate the Medicare caps on accredited graduate medical education positions for the state of Michigan that were imposed as part of the Balanced Budget Amendment of 1997.

Whereas, The state of Michigan will experience a more severe shortage of physicians than will be felt in the rest of the country. Michigan is projected to have a shortage of approximately 4,400 or more doctors by 2020. The state's anticipated rate of 12 percent fewer physicians than needed is higher than the projected rate of 8 percent nationally; and

Whereas, Michigan's physician residents and accredited graduate medical education positions are filled by Michigan medical students each year at a rate far exceeding the national average, with 92 percent of Michigan's positions filled by our state's medical school graduates and 78 nationally filled by in-state graduates; and

Whereas, Michigan's recent analysis of physician licensure information indicates that more than three-quarters of the current physician work force either completed a residency or a fellowship in Michigan. It is understood that to retain physicians in Michigan, these physicians must be offered Michigan-based residencies; and

Whereas, Without additional accredited graduate medical education positions eligible for Medicare support, Michigan will be forced to turn away out-of-state or international applicants, further limiting the physician work force supply. However, increasing the number of residencies can significantly ease the shortage of physicians in this state and elsewhere; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to eliminate the Medicare caps on accredited graduate medical education positions for the state of Michigan that were imposed as part of the Balanced Budget Amendment of 1997; and be it further

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

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 Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Birkholz and Goschka were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 39.

A concurrent resolution to request the State Bar of Michigan and the National Legal Aid and Defender Association to issue a joint report to the Legislature on the number and types of cases and the costs resulting from court-appointed attorneys for indigent criminal cases in Michigan.

(For text of resolution, see Senate Journal No. 26, p. 450.)

The House of Representatives has adopted the concurrent resolution and named Reps. Accavitti, Adamini, Ball, Bieda, Booher, Brandenburg, Brown, Byrnes, Caul, Clack, Condino, Cushingberry, Elsenheimer, Espinoza, Farrah, Gillard, Gleason, Gonzales, Gosselin, Hansen, Hopgood, Hummel, Jones, Kolb, Lemmons, Jr., Lipsey, Meisner, Meyer, Miller, Murphy, Nofs, Pastor, Pearce, Proos, Sak, Shaffer, Sheen, Alma Smith, Virgil Smith, Spade, Steil, Taub, Tobocman, Vagnozzi and Vander Veen as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

"My homeowners insurance has gone up consistently over the past three years. My house payments went up \$75 a month to cover the cost of my insurance. I'm a single parent with one income. It is getting to the point where my insurance is so high I may have to sell my home." This was from Lansing, Michigan.

From Detroit: "I'm in my 65th year and I have no accidents, nor have I had any claims against my auto or homeowners insurance policies within the last 20 years. Something must be done about the outrageous cost of auto and homeowners insurance. Why must it cost so much to live in the city? Please make these costs fair and equal for all the citizens of Michigan."

Senator Cropsey's statement is as follows:

Since I agreed to serve on the Appropriations Committee and oversee the budget of the Department of Corrections, I've been bombarded with comments and news articles to the effect that Michigan spends too much money on prisons, we don't parole enough people, and that too many nonviolent people go to prison in the first place. I will be getting up to speak on all of these issues in the next few weeks not necessarily because I disagree with those views, but because the debate is one-sided and is often driven by people and organizations who are only telling you one side of the story, a side that often lacks balance and places the public at risk and yet more victimization.

Advocates for prisoners appear to want you to make poor assumptions. If you agree with those assumptions, then and only then do their arguments make any sense. If you do not accept all of those assumptions, then their arguments lose power, which is why they want to appear to you to focus on the assumptions that ignore reality.

I will also be speaking to the underlying weaknesses and falsehoods of those assumptions during the next few weeks, but let me lay the foundation by laying out the facts on the parole system. You've all been visited by prisoner advocacy groups alleging our parole rate is only about 50 percent, the rate has decreased since a new parole board was instituted in the early '90s, and that we are warehousing thousands of nonviolent prisoners who could safely be released.

But let me rebut some of these arguments. First, that the parole rate is only about 50 percent and has decreased since the early '90s. What the prisoner advocates focus on is the number of parole hearings. The focus is misleading. If you take a look at the Senate Fiscal Agency chart, which I will be passing out, the hearing rate did indeed dip for a few years, but has rebounded. Far more important is the percentage of prisoners who are paroled. As this chart illustrates, we have consistently paroled close to one-fourth, 1 out of every 4 prisoners in the entire prison population every single year for the past dozen years that the new Parole Board's structure has been in place.

Let me repeat that in a different way. Every four years, we parole the equivalent of the entire prison population. Every four years, we turn over the entire prison population except for those prisoners deemed too dangerous for public safety. Prison advocates complain consistently that the 11,650 or so prisoners who are eligible for parole have never been released. To put this number in perspective, during the time that it took for those 11,650 prisoners to reach parole eligibility and then be denied, over 130,000 other prisoners have been paroled. These 130,000 parolees indicate, in the last 12 years, a true parole rate of over 90 percent of eligible prisoners, though maybe not as soon as they would all like to walk. What is surprising to me is that we have so few prisoners who haven't been paroled, considering who is in prison today.

The annual parole rate doesn't differentiate between sex offenders who are unlikely to be paroled and drug offenders who will have a very high rate of parole. It doesn't look at the risk of public safety, the underlying conviction, or the Parole Board's concerns that an individual prisoner is still too dangerous to be released.

The fact that about one-half of all parolees fail to be paroled should be a warning to us that parole is not the only answer to the Michigan Department of Corrections budget. It's a very complicated issue that deserves more than the out of context and downright dangerous platitudes that some prisoner advocates would have you believe. The parole system is not hopelessly backlogged. We parole an astonishingly high number of prisoners, and to suggest we parole prisoners the Parole Board deems too dangerous to release, is to ask the public to pay the price by victimization. I cannot support such an Alice in Wonderland approach to public safety.

Senator Garcia stated that had he been present on June 8 when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 5160
House Bill No. 5036
House Bill No. 5977
Senate Bill No. 631
Senate Bill No. 632
Senate Bill No. 826
Senate Bill No. 827
Senate Bill No. 1273
House Bill No. 5396
House Bill No. 5181
House Bill No. 5752
House Bill No. 5754
House Bill No. 5959

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:08 a.m.

11:47 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 1299, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502 and 43537 (MCL 324.43502 and 324.43537), as amended by 1996 PA 585.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Kuipers, Gilbert, Toy, George, Cassis, Stamas, Van Woerkom, Johnson, Sanborn and Bishop introduced

Senate Bill No. 1300, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4o (MCL 205.54o), as amended by 2004 PA 173.

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

Senator Gilbert introduced

Senate Bill No. 1301, entitled

A bill to provide for the claiming and transferring of tax credits for certain economic development activities.

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

Senator Gilbert introduced

Senate Bill No. 1302, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 38g and 39c (MCL 208.38g and 208.39c), section 38g as amended by 2006 PA 112 and section 39c as amended by 2006 PA 53.

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

House Bill No. 5348, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3901 (MCL 500.3901), as added by 1992 PA 84, and by adding section 3902; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 5349, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1204c, 3915, 3927, 3935, and 3942 (MCL 500.1204c, 500.3915, 500.3927, 500.3935, and 500.3942), section 1204c as amended by 2006 PA 109 and sections 3915, 3927, 3935, and 3942 as added by 1992 PA 84, and by adding sections 1204f, 3906, 3910, 3910a, 3910b, 3925, 3926, 3926a, and 3941a.

The House of Representatives has passed the bill.

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

House Bill No. 5901, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2005 PA 115.

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 Commerce and Labor.

House Bill No. 6084, entitled

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

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 Transportation.

House Bill No. 6110, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act,"(MCL 324.101 to 324.90106) by adding section 74126.

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 Natural Resources and Environmental Affairs.

Committee Reports

The Committee on Appropriations reported

Senate Concurrent Resolution No. 46.

A concurrent resolution to increase the total project cost of the Instructional Addition/Renovation project at Alpena Community College.

(For text of resolution, see Senate Journal No. 55, p. 1220.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 47.

A concurrent resolution to revise the total project cost and to revise the scope of the Department of Transportation Cadillac Transportation Service Center project.

(For text of resolution, see Senate Journal No. 55, p. 1221.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 48.

A concurrent resolution to increase the total project cost and to revise the scope of the Information Technology Center/Renovation project at Southwestern Michigan College.

(For text of resolution, see Senate Journal No. 55, p. 1221.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 49.

A concurrent resolution approving a lease among the State of Michigan, the State Building Authority, and the Community College District of Gogebic County relative to the Community College District of Gogebic County Special Maintenance projects.

(For text of resolution, see Senate Journal No. 56, p. 1254 .)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 50.

A concurrent resolution approving a lease among the State of Michigan, the State Building Authority, and Lake Superior State University relative to the Lake Superior State University Special Maintenance projects.

(For text of resolution, see Senate Journal No. 56, p. 1255.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 1260, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21502, 21503, 21506a, and 21552 (MCL 324.21502, 324.21503, 324.21506a, and 324.21552), section 21502 as amended and sections 21506a and 21552 as added by 2004 PA 390 and section 21503 as amended by 1996 PA 181.

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, Garcia, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Wednesday, June 7, 2006, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Cropsey

The Committee on Banking and Financial Institutions reported

House Bill No. 5324, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending sections 2, 5, 6, and 10g (MCL 487.2052, 487.2055, 487.2056, and 487.2060g), section 2 as amended and section 10g as added by 2002 PA 390 and sections 5 and 6 as amended by 1999 PA 275.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5328, entitled

A bill to regulate the money transmission services business; to require the licensing of persons engaged in providing money transmission services; to prescribe powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5329, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14p of chapter XVII (MCL 777.14p), as added by 2002 PA 29.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, June 8, 2006, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Education reported

Senate Bill No. 443, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531g.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 1296, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1146 (MCL 380.1146).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 8, 2006, at 2:00 p.m., Room 210, Farnum Building

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 1129, entitled

A bill to amend 1899 PA 44, entitled "An act to provide for the publication and distribution of publications, laws, and documents, reports of the several officers, boards of officers and public institutions of this state now or hereafter to be published; to provide for the replacing of publications lost by fire or otherwise; to provide for the publication and distribution of the Michigan manual; to provide for duties of certain state and local government departments and agencies; to establish certain funds; and to provide for certain penalties and remedies," (MCL 24.1 to 24.37) by adding section 39.

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.

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Whitmer

Nays: None

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 1130, entitled

A bill to amend 1945 PA 78, entitled "An act to declare the area of the state of Michigan," by amending the title and sections 1 and 2 (MCL 2.1 and 2.2).

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:
Meeting held on Thursday, June 8, 2006, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Toy (C), Birkholz, Goschka, Basham and Whitmer

COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submitted the following:
Meeting held on Wednesday, June 7, 2006, at 12:15 p.m., Rooms 402 and 403, Capitol Building
Present: Senators George (C), Toy, Garcia and Schauer

Scheduled Meetings

21st Century Jobs Funds Joint Select Oversight Committee (SCR 38) - Thursday, June 15, 1:30 p.m. or later after committees are given leave by the House to meet, Room 519, South Tower, House Office Building (373-5632)

Agriculture, Forestry and Tourism - Thursday, June 15, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, June 14, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, June 15, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Economic Development, Small Business and Regulatory Reform - Wednesday, June 14, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, June 15, 11:00 a.m. or later immediately following session, Room 210, Farnum Building (373-6920)

Finance - Wednesday, June 14, 12:00 noon, Room 110, Farnum Building (373-1758)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:50 a.m.

The Secretary of the Senate declared the Senate adjourned until Wednesday, June 14, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

