

No. 26
STATE OF MICHIGAN
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93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, March 15, 2006.

10:00 a.m.

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

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

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

Garcia—excused
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

Dr. Jeffrey Stanton O'Neill of First Presbyterian Church of Lansing offered the following invocation:

Gracious and loving God, may evidence of Your Spirit's presence be clear in the work we do this day. Though we are many and diverse in our interests and outlooks, make us one in concern and in content. We come here from scattered places; gather us into a common community of concern.

We define ourselves in manifold ways—neighbors and strangers, colleagues and competitors, friends and adversaries. In our shared trust invested in us by others, may we discover a finer understanding of who we are and what we are called to do, serving as those in need of Your blessing, sensitive to Your correction, and earnest in our desire to live and choose according to the life-giving virtues of compassion, justice, and harmony.

As You have endowed us with intelligence, imagination, and curiosity, direct our energies toward the building up of our state's communities in creative, hopeful ways. Give us visions that may startle us into new ways of living. Give us dreams that are bold, daring to trust Your kingdom's promise that all Your children may live in hope and prosperity. Give us holy work to do this day, O God, and bless us as we strive together for Your peace.

All this we ask in Your holy name. Amen.

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

Motions and Communications

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

Senate Bill No. 246

Senate Resolution No. 71

The motion prevailed.

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

The motion prevailed.

Recess

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

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

10:25 a.m.

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

During the recess, Senator Jelinek entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 14:

House Bill Nos. 5421 5422 5531 5532 5533

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 15:

House Bill Nos. 4086 5641 5643

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 14, for her approval the following bills:

Enrolled Senate Bill No. 1024 at 2:52 p.m.

Enrolled Senate Bill No. 1026 at 2:54 p.m.

Enrolled Senate Bill No. 1027 at 2:56 p.m.

Enrolled Senate Bill No. 1028 at 2:58 p.m.

Enrolled Senate Bill No. 959 at 3:00 p.m.

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

The motion prevailed.

The following message from the Governor was received and read:

March 14, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 21 of the State Housing Development Authority Act of 1966 PA 346, MCL 125.1421:

Michigan State Housing Development Authority

Ms. Julie Croll, Chief Deputy Treasurer, 1521 East Webb Road, DeWitt, Michigan 48820, county of Clinton, succeeding Jay Rising, who has resigned, representing principal department heads of the executive branch of the state government, for a term commencing March 13, 2006 and expiring at the pleasure of the Governor.

Sincerely,

Jennifer M. Granholm

Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 932

The motion prevailed.

Senate Bill No. 318, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

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.

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 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. 371, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential

improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending section 8d (MCL 125.2688d), as amended by 2005 PA 276.

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

Senate Bill No. 764, entitled

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

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

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.

House Bill No. 5240, entitled

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 5, 627, 628, 629, and 629c (MCL 257.5, 257.627, 257.628, 257.629, and 257.629c), section 627 as amended by 2006 PA 19, section 628 as amended by 2003 PA 65, section 629 as amended by 1988 PA 368, and section 629c as amended by 1996 PA 320; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 10, line 3, after “**FREEWAY**” by inserting “**THAT IS NOT MORE THAN 70 MILES PER HOUR BUT NOT LESS THAN 55 MILES PER HOUR AND**”.

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

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

Senate Bill No. 208, entitled

A bill to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

(For text of amendments, see Senate Journal No. 25, p. 421.)

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. 137

Yeas—36

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Birkholz	Emerson	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski

Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Garcia

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.

House Bill No. 4446, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

(For text of amendment, see Senate Journal No. 25, p. 422.)

The question being on concurring in the House amendment made to the Senate amendment,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 138

Yeas—36

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

Third Reading of Bills

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

House Bill No. 4555

Senate Bill No. 969

House Bill No. 5258

The motion prevailed.

The following bill was read a third time:

House Bill No. 4555, 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 10k (MCL 247.660k), as amended by 1982 PA 438.

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. 139

Yeas—36

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

Nays—0

Excused—1

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. 969, entitled

A bill to authorize the state administrative board to convey certain interests in property in Ingham county; to authorize the state administrative board to convey, exchange, or purchase certain parcels of property in Jackson county; to prescribe certain conditions for the conveyances, purchases, and exchanges; to provide for disposition of the revenue derived from the conveyances; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 140

Yeas—36

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

Nays—0

Excused—1

Garcia

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. 5258, entitled

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending section 11 (MCL 400.1111), as amended by 2003 PA 123.

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. 141**Yeas—36**

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

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: President

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

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

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

“An act to create a bureau of community services and a commission on economic and social opportunity within a state department to reduce the causes, conditions, and effects of poverty and promote social and economic opportunities that foster self-sufficiency for low income persons; to provide for the designation of community action agencies; and to prescribe the powers and duties of the department, the bureau, the commission, and the community action agencies.”.

The Senate agreed to the full title.

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 Basham 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. 881, entitled

A bill to create the veterans memorial property commission; to authorize the acquisition of certain property; and to provide for certain duties of certain state agencies.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 882, entitled

A bill to designate the use of state land that is set aside to memorialize veterans; to prohibit certain acts; and to prescribe penalties.

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. 1124, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278a. Substitute (S-1).

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

1. Amend page 1, line 9, after "**ASSESSMENTS**" by striking out the balance of the subdivision and inserting a period.

2. Amend page 2, line 14, after "**IT**" by inserting a comma and "**OR AN INTEGRATED SEQUENCE OF THIS COURSE CONTENT THAT CONSISTS OF 3 CREDITS,**".

3. Amend page 2, line 14, after "**MATHEMATICS**" by striking out the balance of the line through "**COMPLETING**" on line 15 and inserting "**CREDIT, SUCH AS**".

4. Amend page 2, line 23, after "**LEAST**" by striking out "**EARTH SCIENCE, BIOLOGY,**" and inserting "**BIOLOGY**".

5. Amend page 3, line 1, after "**FORENSICS,**" by inserting "**EARTH SCIENCE, AGRICULTURAL SCIENCE,**".

6. Amend page 3, line 5, after "**HISTORY**" by inserting "**AND GEOGRAPHY**".

7. Amend page 3, line 6, after "**HISTORY**" by inserting "**AND GEOGRAPHY**".

8. Amend page 3, line 7, after "**1166(2).**" by striking out the balance of the subparagraph.

9. Amend page 5, line 17, after the second "**THE**" by striking out "**ASSESSMENT**" and inserting "**ASSESSMENTS**".

10. Amend page 5, line 20, after "**APPROVE**" by striking out "**AN ASSESSMENT**" and inserting "**ASSESSMENTS**".

11. Amend page 9, line 22, after the first "**THE**" by striking out "**ASSESSMENT**" and inserting "**ASSESSMENTS**".

12. Amend page 9, line 23, after "**ON**" by striking out "**AN ASSESSMENT**" and inserting "**1 OR MORE ASSESSMENTS**".

13. Amend page 9, line 25, by striking out "**MEASURES**" and inserting "**MEASURE**".

14. Amend page 10, line 2, after "**THE**" by striking out "**SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY**" and inserting "**DEPARTMENT**".

15. Amend page 10, line 3, by striking out "**EITHER**".

16. Amend page 10, line 3, after the first "**THE**" by striking out "**ASSESSMENT**" and inserting "**ASSESSMENTS**".

17. Amend page 10, line 4, after "**OR**" by inserting "**THE PUPIL EARNS A QUALIFYING SCORE, AS DETERMINED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY,**".

18. Amend page 10, line 4, after "**ON**" by striking out "**AN ASSESSMENT**" and inserting "**1 OR MORE ASSESSMENTS**".

19. Amend page 10, line 6, after "**THAT**" by striking out "**MEASURES**" and inserting "**MEASURE**".

20. Amend page 10, following line 7, by inserting:

"(11) THIS SECTION DOES NOT PROHIBIT A PUPIL FROM SATISFYING OR EXCEEDING THE CREDIT REQUIREMENTS OF THE MICHIGAN MERIT CURRICULUM UNDER THIS SECTION THROUGH ADVANCED STUDIES SUCH AS ADVANCED PLACEMENT, DUAL ENROLLMENT IN A POSTSECONDARY INSTITUTION, OR THE INTERNATIONAL BACCALAUREATE PROGRAM."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4643, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain

circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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.

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

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. 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.

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

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.

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. 848, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3426. Substitute (S-1).

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

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

"(3) AN INSURER AND A HEALTH MAINTENANCE ORGANIZATION ARE NOT REQUIRED TO CONTINUE ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM OR TO CONTINUE ANY INCENTIVE ASSOCIATED WITH A HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM."

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

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

Senate Bill No. 849, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 414b.

Substitute (S-1).

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

1. Amend page 2, following line 20, by inserting:

"(3) A HEALTH CARE CORPORATION IS NOT REQUIRED TO CONTINUE ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM OR TO CONTINUE ANY INCENTIVE ASSOCIATED WITH A HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM."

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

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

Senate Bill No. 945, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 209 (MCL 168.200 and 168.209), section 200 as amended by 1998 PA 364 and section 209 as amended by 1990 PA 7.

Substitute (S-2).

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

1. Amend page 2, line 8, after the first “OF” by striking out “**500,000 OR MORE**” and inserting “**NOT LESS THAN 500,000 OR MORE THAN 750,000**”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 541, entitled

A bill to regulate the transfer of structured settlement rights; to place conditions on the transfer of structured settlement rights; to establish a procedure for approval of transfer of structured settlement rights; and to repeal acts and parts of acts.

Substitute (S-1).

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

Resolutions

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

The motion prevailed.

Senator Sikkema’s statement is as follows:

Mr. President and members, I would like to take a very brief moment of our time this morning to recognize a person who has been with us for some time, and that is Sarah Hulett, who is sitting up front. She is one of the kinder and gentler members of the press corps. Well, now that I look at them, she is the only kind member. Obviously, I am term-limited. Sarah has been covering us for some time. She has been with Michigan Public Radio and she is making a transition. I think only people in radio land can figure this out. She is going from Michigan Public Radio to Michigan Radio, which is interesting. But I find it far more interesting that she is going from an office at Michigan State University—and she is a graduate of Michigan State—to an office at the University of Michigan. It is very tempting to make a comment about that, but I think you are probably going to be suspect at both camps. I don’t know how you are going to figure that out.

Sarah, we want to thank you for your service to the people of the state of Michigan, and it obviously continues. I suspect that we will not be able to see you as much, so we want to take a few moments this morning, myself and my colleagues, to say thank you for your service to the state of Michigan. We know it will continue.

Senators Gilbert, Sanborn, Cropsey, Patterson, Kuipers, Van Woerkom and Birkholz offered the following resolution:
Senate Resolution No. 105.

A resolution to memorialize the United States Congress to adopt and transmit to the states for ratification an amendment to the U.S. Constitution that would ensure that apportionment is based on citizens and not non-citizens.

Whereas, Reapportionment based on the counting of non-citizens in the federal census is adversely affecting the United States Congress and the American political process. Since 1960, Michigan and other Midwestern states have had to sacrifice congressional representation to the faster-growing states of Florida, California, and Texas. The redistributions of congressional seats in the 1970 and 1980 censuses were almost completely due to internal migration; citizens moving from the Northeastern and Midwestern states to the South and West. However, since 1990, immigration has been driving reapportionment. During that decade the number of non-citizens grew by almost 680,000 annually. By March 2005 there were nearly 22 million non-citizens in this country, comprising 7.4 percent of the total population; and

Whereas, Immigration is having a significant effect on the distribution of congressional seats for several reasons. First, seats are apportioned based on each state’s total population relative to the rest of the country, including legal immigrants and illegal non-citizens. Second, Congress permits a significant number of legal immigrants to enter this country and permits hordes of illegals to brazenly flout our immigration laws by crossing our porous borders unchallenged. According to the 2000 census, there were more than 18 million non-citizens in the United States, equaling the population of almost 29 congressional districts. Further, non-citizens are not equally distributed throughout the nation. In 2000, over 9 million non-citizens lived in 3 states and nearly 70 percent resided in 6 states; and

Whereas, The impact of non-citizens on apportionment is tremendous. In 2000, the presence of non-citizens caused Michigan and 8 other states to lose congressional seats. Moreover, Michigan was one of 4 states to lose seats directly to the illegal immigrant havens of California, Texas, New York, and Florida. It is important to realize that Michigan

did not lose a congressional seat because its population was in decline. Instead, legal and illegal immigration caused the population of other states to grow at an even faster pace; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to adopt and transmit to the states for ratification an amendment to the U.S. Constitution that would ensure that apportionment is based on citizens and not non-citizens; and be it further

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

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

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

Senator Patterson offered the following concurrent resolution:

Senate Concurrent Resolution No. 42.

A resolution to memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter.

Whereas, Natural gas prices have risen significantly over the past year. The reasons include increasing demand for natural gas, declining production in both the United States and Canada, and disruptions to the energy supply infrastructure caused by Hurricane Katrina. While this increase in cost has already exacted a toll in many areas of our national economy, the full impact has yet to be felt. This winter, when seasonal demand reaches its peak, costs are expected to strike a terrible blow to people who have had difficulties paying their home heating bills even before the recent increase in prices; and

Whereas, For many years, utilities and their customers have supplemented governmental programs through various heating assistance initiatives. However, public and private programs offering help to low-income families trying to heat their residences are already stretched thin. This winter's situation is expected to bring a crisis to many people, including low-income seniors who will almost surely face difficult choices; and

Whereas, Michigan's Public Service Commission has warned that homeowners could expect increases of \$40 a month or more if the winter is very cold. Gas companies in Michigan and across the country are urging their customers to take steps to prepare for the cost of winter home-heating fuel by budgeting for this expense and having their homes properly weatherized. Another key part of dealing with this problem will be for Congress to significantly increase funding to help state programs for low-income residents; and

Whereas, The federal Low Income Home Energy Assistance Program (LIHEAP) is one of the most critical components of the social safety net. Community Action Agencies and advocates for the vulnerable in society have called for increases to LIHEAP for the past several years as appropriations levels have not kept up with rising heating costs, rising poverty, and an ever-increasing aging population. There are discussions under way in Congress to increase the current funding level for LIHEAP to at least \$3.4 billion. Clearly, such actions to bring home-heating help to our most needy citizens are in order; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter; and be it further

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

Pending the order that, under rule 3.204, the 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 Technology and Energy.

The motion prevailed.

Senators Allen, Basham, Cropsey, Goschka and Prusi were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Jacobs, Scott and Toy asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' statement is as follows:

Governor Granholm has declared this week, March 12 - March 18, Sunshine Week in Michigan. While the designation of Sunshine Week suggests an atmosphere of lightness and openness, the need for Sunshine Week is threatening and dark.

Sunshine Week was established by journalist to celebrate openness in government. However, since last year's inaugural celebration, there has been increasingly less to celebrate. The Freedom of Information Act continues to be under attack, even blatantly ignored by interest groups who want to exempt certain information from the act or simply disregard the act entirely. Rules, guidelines, requirements, and even laws are increasingly misinterpreted, circumvented, or ignored; that includes our very own U.S. Constitution. Violations of the Open Meetings Act continue to increase as public entities ignore the act's requirements and make decisions behind closed doors.

The citizens of Michigan, in fact all citizens, have the right to know how public officials are representing them and spending their tax dollars. They have the right to know how much public officials are paid. They have the right to review public records. They have a right to attend local school board meetings and city council meetings and listen firsthand on how decisions are made. The same rules apply here in Lansing.

The State Capitol is known as the people's house. That means that the legislative process is open to all Michigan citizens; it's your right. When these rights are trampled or ignored, the very foundation of democracy is threatened.

I urge my colleagues, all elected public officials, and, yes, the media to celebrate not just Sunshine Week, but the democracy process itself, which is based on the rights of citizens to question, challenge, and hold their elected officials accountable for their actions while they are representing them.

Let us acknowledge Sunshine Week, urge full and public disclosure, and let the sunshine in at last.

Senator Scott's statement is as follows:

I will read a couple of my e-mails from my redlining website. This one is from Detroit and it says, "It is ridiculous that we as families and communities have to pay such high monthly rates. I have friends who live in the suburbs and they are paying one-third or one-fourth of the amount that I pay."

Another one from Detroit, "It is very disconcerting when your monthly insurance payment is only \$50 less than your car note. My sister and I are both homeowners. However, she is giving up her house to move in with me because it is getting to the point that we just can't make it on our own anymore. By the way, we both earn about the medium rate for households, but she pays \$317 and I pay \$301 a month for car insurance, plus our car note which together equal \$698.

It was very encouraging last night for me to hear the mayor of Detroit include insurance in his State of the City message."

So I am hoping that we will have some help. I hope that my colleagues will understand that it is important that we do something about these rates. There are people who are really suffering. Now, I wish I had brought it with me, but I will read it tomorrow where we find out that some things are not working in the insurance. We do need to make some changes and we need to make them soon.

Senator Toy's statement is as follows:

I am so happy to hear and I support the sun shining on all levels of government. That is why I introduced Senate Bill No. 372, to provide oversight of the Detroit water and sewer board. Therefore, I urge the Governor to add some sunshine into that board and sign that very important piece of legislation.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Stamas introduced

Senate Bill No. 1148, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2004 PA 430.

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

Senator Patterson introduced

Senate Bill No. 1149, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912d (MCL 600.2912d), as amended by 1993 PA 78.

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

Senator Patterson introduced

Senate Bill No. 1150, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912e (MCL 600.2912e), as amended by 1993 PA 78.

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

Senators Allen and McManus introduced

Senate Bill No. 1151, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 502 and 502a (MCL 550.1502 and 550.1502a), section 502 as amended by 2003 PA 59 and section 502a as amended by 1998 PA 446.

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

Senators McManus and Allen introduced

Senate Bill No. 1152, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 315 (MCL 418.315), as amended by 1998 PA 447.

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

Senator Olshove introduced

Senate Bill No. 1153, entitled

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by amending section 3 (MCL 550.53), as amended by 1996 PA 518.

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

Senator Olshove introduced

Senate Bill No. 1154, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2243, 3405, and 3631 (MCL 500.2243, 500.3405, and 500.3631), as amended by 1994 PA 438; and to repeal acts and parts of acts.

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

House Bill No. 4086, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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

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

House Bill No. 5421, entitled

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

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

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

House Bill No. 5422, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 34 and 42 (MCL 791.234 and 791.242), section 34 as amended by 2004 PA 218.

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

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

House Bill No. 5531, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a and 520c (MCL 750.520a and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

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

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

House Bill No. 5532, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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

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

House Bill No. 5533, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2005 PA 304.

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

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

House Bill No. 5641, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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

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

House Bill No. 5643, entitled

A bill to amend 1984 PA 118, entitled "The prisoner reimbursement to the county act," by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

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

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1104, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2534 (MCL 600.2534), as amended by 1996 PA 378.

With the recommendation that the bill pass.

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

Alan L. Cropsey

Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer, Emerson and Brater

Nays: Senator Patterson

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1115, entitled

A bill to prescribe certain duties of the department of state police with respect to certain illegal drug manufacturing laboratories.

With the recommendation that the bill pass.

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

Alan L. Cropsey

Chairperson

To Report Out:

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

Nays: Senator Emerson

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported
Senate Bill No. 1119, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2975.

With the recommendation that the bill pass.

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

Alan L. Cropsey
 Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported
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. 12, p. 194.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

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.

Whereas, The *Michigan Constitution of 1963*, in Article I, Section 20, provides that an accused person is ". . . to have the assistance of counsel for his or her defense" and ". . . to have such reasonable assistance as may be necessary to perfect and prosecute an appeal"; and

Whereas, The people of Michigan expect the government to administer a system of justice that is just, swift, accountable, and frugal; and

Whereas, Michigan has no accounting for the total number of misdemeanor, felony, juvenile, mental health, and appellate cases requiring the appointment of counsel; and

Whereas, Michigan has incomplete accounting for expenditures dedicated to public defense services; and

Whereas, The Michigan Supreme Court and the State Court Administrative Office have demonstrated a commendable commitment to the collection of complete data on court assignment of counsel; and

Whereas, The National Legal Aid and Defender Association is a national, nonprofit association that has a research division with a discrete national capacity for public defense data collection, research, standards-based evaluation, and technical assistance to help state and local government policymakers determine the most efficient and effective manner to deliver the constitutional right to counsel; and

Whereas, A mission of the State Bar of Michigan is to "aid in promoting improvements in the administration of justice"; and

Whereas, Both the State Bar of Michigan and the National Legal Aid and Defender Association have independent funding and the capacity to provide data collection services at no cost to the taxpayers of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we respectfully request the State Bar of Michigan and the National Legal Aid and Defender Association to collect information in cooperation with the State Court Administrative Office and issue a joint report to the Michigan Legislature on the costs of indigent criminal cases, the number of criminal cases assigned to court-appointed attorneys, and the types of criminal cases that receive court appointed attorneys in Michigan. We urge that the report be provided to the chairpersons of the Judiciary Committees of the House and Senate and the chairpersons of the appropriate subcommittees of the House and Senate Appropriations Committees; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Supreme Court, the State Bar of Michigan, and the National Legal Aid and Defender Association.

Alan L. Cropsey
 Chairperson

To Report Out:

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

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 14, 2006, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Cropsy (C), Bishop, Sanborn, Patterson, Schauer, Emerson and Brater

The Committee on Commerce and Labor reported

Senate Bill No. 376, entitled

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

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

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 14, 2006, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Public hearing held on Monday, March 13, 2006, at 10:00 a.m., Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center
Present: Senators Goschka (C), Johnson and Prusi
Excused: Senators Hardiman and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Tuesday, March 14, 2006, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators McManus (C), Goschka and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, March 14, 2006, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Stamas (C), George, Johnson, Garcia, Cherry and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, March 14, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Cropsy (C), Brown, Garcia, Switalski and Prusi

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Oversight of the 21st Century Jobs Funds (SCR 38) submitted the following:
Meeting held on Tuesday, March 14, 2006, at 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Garcia (C), Bishop, Gilbert and Switalski

Scheduled Meetings

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

Appropriations -**Subcommittees -**

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

Family Independence Agency/House Human Services Department - Thursday, March 16, 1:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1801)

K-12, School Aid, Education - Thursday, March 16, 1:00 p.m., Rooms 402 and 403, Capitol Building; and Monday, March 20, 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-6960)

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

Banking and Financial Institutions - Thursday, March 16, 1:00 p.m., Room 100, Farnum Building (373-2417)

Education - Thursday, March 16, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:00 noon.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 16, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate