

No. 36
STATE OF MICHIGAN
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REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, April 20, 2006.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

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

Garcia—present
George—present
Gilbert—present
Goschka—excused
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 Martha G. Scott of the 2nd District offered the following invocation:

“The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the path of righteousness for his name’s sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord for ever.”

I read you the 23rd Psalm, the Psalm of David. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Schauer and Kuipers entered the Senate Chamber.

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 Sikkema be temporarily excused from today’s session.

The motion prevailed.

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

The motion prevailed.

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

Senate Bill No. 1132

Senate Bill No. 1192

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

Senator Jacobs moved that Senators Emerson and Clark-Coleman be temporarily excused from today’s session.

The motion prevailed.

Senators Sikkema, Emerson, Barcia and Clark-Coleman entered the Senate Chamber.

The following communication was received:

Michigan Law Revision Commission

April 17, 2006

Pursuant to Article IV, Section 15 of the Michigan Constitution, the Legislative Council “shall periodically examine and recommend to the legislature revision of the various laws of this state.” The Michigan Law Revision Commission was established under the Legislative Council Act for that purpose. Section 1403 of the Act requires the Commission to report its findings and recommendations to the Legislative Council and to the entire Legislature.

The Michigan Law Revision Commission has issued its 2004-2005 Combined Annual Report to the Legislature. We are pleased to send along a copy for your review and consideration.

If you require any further information or assistance, please feel free to call me at 3-0212.

Very truly yours,

John Strand

Legislative Council Administrator

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, April 19:

House Bill No. 5855

The Secretary announced that the following official bills were printed on Wednesday, April 19, and are available at the legislative website:

Senate Bill Nos. 1204 1205 1206

House Bill Nos. 5947 5948 5949 5950 5951

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

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Bishop as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 1196, entitled

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

House Bill No. 5823, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 49, 159j, and 535a (MCL 750.49, 750.159j, and 750.535a), section 49 as amended by 1998 PA 38, section 159j as added by 1995 PA 187, and section 535a as amended by 1999 PA 185.

House Bill No. 5824, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7523 (MCL 333.7523), as amended by 1990 PA 336.

House Bill No. 5490, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4703, 4704, 4705, and 4708 (MCL 600.4703, 600.4704, 600.4705, and 600.4708), as added by 1988 PA 104.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 1132, 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 11e (MCL 247.661e), as added by 1992 PA 223.

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. 1192, 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 11e (MCL 247.661e), as added by 1992 PA 223.

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:
House Bill No. 5336, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 25.

Substitute (S-2).

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

1. Amend page 2, line 25, after “AREAS” by inserting “**AND EACH OF THE FOLLOWING AREAS SHALL BE REPRESENTED ON THE COMMISSION**”.

2. Amend page 3, following line 7, by inserting:
“(J) **MENTAL HEALTH**.”

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 1132

Senate Bill No. 1192

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. 43**
 - Senate Bill No. 927**
 - Senate Bill No. 928**
 - Senate Bill No. 1111**
 - House Bill No. 5627**
 - Senate Bill No. 784**
 - Senate Bill No. 1176**
 - House Bill No. 4502**
 - Senate Bill No. 1074**
 - Senate Bill No. 1075**
 - Senate Bill No. 1076**
 - Senate Bill No. 1077**
 - Senate Bill No. 1079**
 - Senate Bill No. 1078**
 - Senate Bill No. 1109**
 - Senate Bill No. 1132**
 - Senate Bill No. 1192**
- The motion prevailed.

The following bill was read a third time:

Senate Bill No. 43, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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. 236

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 927, entitled

A bill to amend 1959 PA 241, entitled “An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending the title and section 2 (MCL 429.112).

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. 237

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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:

I find coming to this podium and announcing the departure of important people from my staff, I’m doing this all too frequently. Maybe it would be better if I left and they could all stay. I figured I’d get some universal acclamation over that one.

John Arundel, who is standing with me, who over the last three years now has directed the Senate Majority Policy Office, has decided to take another opportunity. Obviously, I want people to look at what they want to do and what their future plans are and to go down that path, but it is with a great deal of sadness that I see him leave that position and leave service not just to the majority caucus here in the Senate, but really to the entire Senate. I do think this saying good-bye to him might not be permanent. I look at his career: He started in the House, came to the Senate, went back to the House, went to the Lieutenant Governor’s office, came back to the Senate, and is now going back to the House. So there is a pattern there. I think maybe, John, we’ll see you back here at some time.

But John has through his service to the majority caucus displayed a kind of, sort of political and policy wisdom and acumen that I have rarely seen in my 20 years in the Legislature. He has a great strategic mind. He has always told me,

though, in his service that, he said, “Ken, don’t depend on me for political advice or communication advice. I’m a policy guy.” And he really is and one par excellence.

He is going over to the House to run the House Business Office. We certainly wish him Godspeed. He’s got a lot of other interests. I think he’s starting to think a little bit more about spending maybe a little bit more time in South Haven where he has a residence. There are a couple of things you ought to know about him. In spite of looking all prim and proper on the outside, he is or rather was what was called in my generation a “dead head”; in other words, a follower of the Grateful Dead, which might explain a little-known fact—now it’s going to be widely known—that at one time he dug up a gas line at Manny Lentine’s house using a backhoe. I think there’s a lot more to that story that I want to hear.

John, I want to thank you for your service to the Senate, your service to the state of Michigan, but obviously, that doesn’t end because you are going to be working over in the House. Looking over your career and the service you have rendered to the House and the Senate and Lieutenant Governor Posthumus’ office, you know we are extremely grateful. We have a tribute here signed with some personal notes from the Senate majority caucus, but thank you for your service.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 928, entitled

A bill to amend 1959 PA 241, entitled “An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending section 3 (MCL 429.113).

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. 238

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1111, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2005 PA 267.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 6, following line 14, by inserting:

“(B) IS LOCATED WITHIN A VILLAGE AND IS WITHIN 15 MILES OF A MICHIGAN STATE BORDER.” and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

Senator Hammerstrom requested the yeas and nays.

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

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

Roll Call No. 239

Yeas—13

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

Nays—23

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

Excused—1

Goschka

Not Voting—1

Emerson

In The Chair: Birkholz

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Schauer offered the following amendment:

1. Amend page 6, following line 14, by inserting:

“(B) IS LOCATED WITHIN 15 MILES OF A MICHIGAN STATE BORDER.” and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

Senator Emerson entered the Senate Chamber.

Senator Hammerstrom requested the yeas and nays.

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

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

Roll Call No. 240

Yeas—15

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

Nays—21

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

Excused—1

Goschka

Not Voting—1

Basham

In The Chair: Birkholz

The question being on the passage of the bill,

Senator Hammerstrom moved that the previous question be ordered.

The motion prevailed.

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. 241

Yeas—21

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema

Bishop
Brown
Cassis
Cropsey

Gilbert
Hammerstrom
Hardiman

Kuipers
McManus
Patterson

Stamas
Toy
Van Woerkom

Nays—16

Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Basham, Toy, Brown, Garcia and Schauer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

I read in the *USA Today* this morning that the worst infant mortality rate in the country is in Wyoming. It's also no coincidence that Wyoming is the best tax-friendly state in the country. These are directly correlated. Quite frankly, if you don't pay taxes and have no corporations paying taxes, then you don't fund public education, you don't fund the Department of Environmental Quality, and you don't fund Corrections. Prisoners actually get out. There are a number of reasons that we pay taxes in this state and the residents of this state benefit as a result of us paying taxes.

For a company that puts a smiley face as its logo and it's the largest employer in the country and half of the children of its employees are on Medicaid and 15.5 percent of its employees are on Medicaid and cost the taxpayers of this state \$46 million a year for us to give to their distribution center, which would normally be located where their stores are anyway regardless of a tax break, another tax break is just ludicrous.

I find that we in this legislative body should be a little bit more deliberative about who we give tax breaks to and why we give those tax breaks—just because a business recommends that we give them a tax break. They pay no taxes. I guess if I were Wal-Mart, I would be asking for it too, but, quite frankly, I wouldn't be expecting to get it.

Senator Toy's statement is as follows:

I am appalled. I cannot believe my ears. This state, as I've risen before and said, we're in deep, deep economic problems. It's time that we face this. I'm a small business owner, as you know. I want to provide jobs, and I want to provide good health care for those people I employ. I want to have customers come to my door and spend dollars. With this kind of attitude, we aren't going to spend anything in this state. We've got to become bold; we've got to become creative. We've got to incentivize this economy; we've got to jump-start this economy.

We were just in Commerce the other day hearing testimony from a gentleman who read *The World Is Flat*, which is the new Bible of the world, I guess. I don't say that it's a bad book by any means, but I don't think it recites verse and text everything we have to believe about this world. But it makes some interesting theories. I think that we have to begin to listen to what is going on and be creative and be open to it. We're not going to get anywhere by operating the same way we have and that's what we continually do. We continually do that. If you only come to southeastern Michigan, where the economy has taken a dump as it is in a lot of other parts of our great state, you see houses for

sale and you hear people saying, “I need a job. I’m middle America. I’m losing my job. My uncle, my aunt, my child can’t find a job. They’re moving to Chicago; they’re moving to Indiana; they’re moving to Ohio.”

Help us. Help us stimulate the economy. Don’t make more red tape. Don’t make more restrictions. Let’s begin to open up the floodgates to say we’re a great state; we’ve got great assets; we’ve got great attributes; we’ve got great colleges. We’ve got to begin to do some of these things or we are going to say, “The last one in Michigan, shut out the lights.” Let’s not go back to those days. Let’s not put businesses up for sale like we are houses. Let’s be bold; let’s do something.

Senator Brown’s statement is as follows:

To the Senator from the 14th District, here are my frustrations. We have people out of work. To the Senator from the 19th District, this bill will create jobs and that is the larger point. To the Senator from the 8th District, the only smiley face associated with this legislation is the smiling faces of children whose parents could possibly have a job as a result of this legislation.

Madam President, the main challenge confronting this state is the lack of jobs. The best way to meet this challenge is to create jobs. The best way to create jobs is to give locals the tools they need to compete not just against India, but Indiana.

Our state’s unemployment rate, and there’s a litany that you’re familiar with, but our state’s unemployment rate—and we need to hear this—went up from 6.6 percent in February to 6.8 percent in March. Unemployment in Detroit area went up another 1/2 percent to 7.2 percent. The national unemployment rate is 4.7 percent. The gap between Michigan and the rest of the nation is growing, not shrinking. Hurricane-ravaged Louisiana’s unemployment rate, as high as 12 percent in the months after the storm, is now at 4.3 percent. According to *The Detroit News*, Michigan has lost 1 of 3 manufacturing jobs since 1999 and 20,000 since March of last year alone.

Just yesterday—yesterday afternoon—Klein Tools of Jonesville announced they were moving 110 quality jobs from Jonesville, not to 15 miles within the border, but all the way to Illinois. Last week, Federal Mogul of St. Johns announced the closure of its 420-employee plant in St. Johns. Just over two weeks ago, Delphi announced the eventual closure of plants in Adrian, Coopersville, Flint, and Saginaw—totaling 10,000 Michigan employees.

When it comes time to fill these massive buildings and hire these workers, the replacement business, Madam President, could be, guess what?—a distribution or logistics company, a commercial warehouse that could fill some of the void left by these manufacturing companies. These modern-day commercial warehouses, if you read *The World Is Flat*, are engaging enterprises beyond our wildest dreams. Certainly, beyond what the founders envisioned when they established Public Act 198 in 1974-1975. But we won’t replace these facilities with these commercial distribution centers if we don’t give Michigan communities the same tools our neighboring states give their communities.

Why would a distribution center fill a building in St. Johns or Adrian if they could fill a similar building and receive the incentive to do so in Indiana, as they have? Why would a logistics center move to Coopersville or Saginaw if a similar community in Ohio or Illinois can offer the same economic incentive that our communities cannot?

Is diversification of Michigan’s economy really our goal? Do we really believe in local control? Do we trust our local economic development directors in our cities, villages, and townships—15 miles, 100 miles, wherever—and township officials to make decisions in the best interests of their communities? Do we want to increase our chances of attracting quality jobs to our state when we desperately need them? The answer is yes. We need to vote for this bill. This is a small but important step that this Legislature can take to turn our economy around and I trust that the Governor will concur.

Senator Garcia’s statement is as follows:

With the state losing jobs by the thousands, it’s imperative that we work together in a bipartisan manner to bring jobs to Michigan and to help create jobs in Michigan. The Governor has said that she would go anywhere, do anything to bring jobs to Michigan. It is my hope that she will keep her promise to do so and sign this piece of legislation.

It was recently reported that Michigan ranks No. 5 in the nation in home foreclosures, which means people don’t have jobs to keep paying for their homes. They are going to leave this state. They’re going to leave this state in dire economic straits and continue to foster a situation and economic climate here in Michigan where it’s just going to get even worse.

So it is my hope that the Governor will do anything and will specifically sign this piece of legislation which will create jobs in Michigan and will help real people.

Senator Schauer’s statement is as follows:

The sponsors of this bill and those who voted against the amendments that were offered would have this state reduce its School Aid Fund by giving broad, unfocused tax giveaways to all commercial facilities that meet this definition. I hope that you’ve read this bill. I’m sure you have and realize that the current law, which became effective December 16th in an amendment that, I believe, the sponsor of this bill offered to help this one community in his district, would allow

these commercial properties to qualify under PA 196—again the industrial facilities exemption certificate if at least 90 percent of the property, excluding surrounding green space, was used for warehousing, distribution, and logistics to provide food for institutional, restaurant, hospital, or hotel customers; at least 90 percent.

This bill removes this. It not only removes the 90 percent requirement, but there is virtually no requirement at all. In fact, I'll find that. It just says that in striking that 90 percent requirement, it just says "is used for." So any percent—pick a percent—would have to meet that requirement. So really what we are saying with this bill is that any kind of commercial facility that has any percentage of warehousing would qualify for this abatement. The idea, I guess, is that those proponents want to replace lost manufacturing jobs with these kinds of warehousing jobs or other commercial jobs. Not the best idea in terms of long-range planning. It's certainly bad tax policy and one that would put our schools at risk.

I would urge a "no" vote.

The following bill was read a third time:

House Bill No. 5627, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 913 (MCL 436.1913).

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. 242

Yeas—36

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

Nays—1

Patterson

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

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

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

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

"An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose

certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 784, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7jj.

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. 243

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1176, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 275.

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. 244**Yeas—37**

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

Nays—0**Excused—1**

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4502, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 31 (MCL 290.631), as amended by 2002 PA 208.

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. 245**Yeas—37**

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

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

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

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

“An act to regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1074, entitled

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

The question being on the passage of the passage,

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

Roll Call No. 246

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1075, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 213 (MCL 18.1213).

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. 247

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1076, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding section 78.

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. 248

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1077, entitled

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; 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. 249

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1079, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.

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. 250

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1078, entitled

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

The question being on the passage of the bill,

Senator Brater offered the following amendment:

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

"(C) A REQUIREMENT THAT THE RENEWABLE ENERGY FACILITY SHALL NOT SELL OR DISTRIBUTE ANY OF ITS BY-PRODUCTS, WASTES, OR RESIDUES, INCLUDING, BUT NOT LIMITED TO, DISTILLERS GRAIN, TO A CONCENTRATED ANIMAL FEEDING OPERATION. AS USED IN THIS SUBDIVISION, "CONCENTRATED ANIMAL FEEDING OPERATION" MEANS A LOT OR FACILITY WHERE ANIMALS ARE CONFINED, FED, OR MAINTAINED FOR 45 DAYS OR MORE IN ANY 12-MONTH PERIOD AND MEETS THE DEFINITION UNDER 40 CFR 122.23(2)." and relettering the remaining subdivision.

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

The question being on the passage of the bill,

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

Roll Call No. 251**Yeas—37**

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

Nays—0**Excused—1**

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Brater, Van Woerkom and Patterson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

I'm rising to call attention to an aspect of this package which is very technical, very complicated, very hard to understand, and I think very important to call to the attention of the members and the public. That is, the connection between ethanol and factory farms.

The bill before us provides for ten renaissance zones for renewable energy facilities. I support the promotion of alternative energies. They present an opportunity to reduce the harm we are doing to the environment compared to the conventional fuels we use today. Ethanol, in particular, has gotten a lot of attention. Earlier this week, a flex-fuel vehicle that runs on E85—85 percent ethanol and 15 percent gasoline—was presented to the state in front of the Capitol.

Governor Granholm has been promoting the use of ethanol and noting that four additional ethanol plants around the state will soon be built to join the current facility in Caro. There are many positive aspects to ethanol and E85. It emits fewer greenhouse gases, such as carbon dioxide, and is higher in horsepower-generating octane than typical gasoline.

However, there are good and bad ways to produce ethanol. Something must be done if the corn or the actual vegetable part of the corn is used to produce the ethanol. Something must be done with the corn mash that's left over from the distilling process, which is called distillers grain. Distillers grain is often used as a feed for livestock because it is cheap and is higher in protein than plain corn. But with so many new ethanol facilities coming online, there will be a huge increase in the amount of distillers grain available, and there will be a motivation on the part of ethanol producers to look for a cost-efficient and sometimes even profit-making end use of this by-product. Factory farms with their huge numbers of animals concentrated in one place are an ideal consumer of this corn mash. As you may know, factory farms are very bad for the environment, for human health, for the well-being of neighboring farmers, and we are working hard—some of us—to try and regulate the pollution and waste that is coming out of these factory farms.

We in the Legislature should not be promoting ventures that harm our state's natural resources. That is why I am offering this amendment which says that a renaissance zone for a renewable energy facility cannot sell or distribute any of its by-product, water, or residue, including, but not limited to, distillers grain to a CAFO. We should be

exploring the possibility of other productive uses for this mash or, indeed, looking for use of other plant products for the production of ethanol. Efforts are underway to study the feasibility of drying the distillers grain and shipping it overseas to be used as a high-protein corn meal for people in poor countries. That's a good idea. These are the kind of efforts we should be promoting, but not those that hurt the environment.

Senator Van Woerkom's statement is as follows:

I want to reiterate what the previous speaker has said. If we are not able to appropriately get rid of the by-product, we are going to increase the cost of ethanol. I think that one of the problems we may face in the marketplace is cost. People will move toward ethanol if the cost is competitive or if the cost is lower than what the cost of their unleaded gas might be.

I think this is a very real problem and we have to do what we can in order to help limit the cost on this thing. Another issue, of course, is going to be what are we going to do with all of this by-product. It creates mountains of by-product and to have a ready market for that here in the state of Michigan is a real plus for us. We don't have to worry about carting this stuff off to a landfill. We don't have to worry about throwing it on a field somewhere. We can use this by-product within the dairy industry or within the beef industry. So I think that that is a double plus for agriculture in the state of Michigan. I urge you to defeat this amendment.

Senator Patterson's statement is as follows:

I noted that the previous speaker used the dreaded "P" word—profits. Colleagues, we are faced with a conundrum. Amendment No. 1 may be well-intentioned, but it will be at best one that has unintended consequences.

If we all want to break free of fossil fuel dependence and its deleterious health effects, then we must seek out and embrace alternative fuels and energy created by the application of cutting-edge technology. The Governor of our great state said so just this week.

If we want to reduce the demands on supplies of motoring fuels and, consequently, lessen fuel cost spikes, and if we are serious about improving our economy and cultivating the environment for good jobs to flourish, then we must make choices and we must make sound decisions.

The amendment being offered creates a choice. Each of us must now decide. We can't have it both ways. Leadership hangs in the balance; so does Michigan's future hang in the balance.

Adopt this amendment and the practical effect is that we will be unable to create ethanol in this state, period. The basic component—grain—would not be made available by the growers. Is that what is desired? Ethanol is cleaner. It is environmentally preferable. A vote for this amendment is a vote against clean air. The unintended consequence of this amendment is to gut a fledging effort that is essential to Michigan's future. Our state-specific economy malaise will continue, and our hopes for vitality will dissipate. I know that the research team with whom I have been working and consulting with at the University of Michigan will be very disappointed if this amendment is adopted.

The following bill was read a third time:

Senate Bill No. 1109, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by repealing section 124 (MCL 207.1124).

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. 252

Yeas—37

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1132, 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 11e (MCL 247.661e), as added by 1992 PA 223.

The question being on the passage of the bill,

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

Roll Call No. 253**Yeas—37**

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

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1192, 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,” (MCL 247.651 to 247.675) by adding section 11f.

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. 254

Yeas—37

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy

Cassis
Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Sanborn

Van Woerkom
Whitmer

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 5336

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

The following bill was read a third time:

House Bill No. 5336, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 25.

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. 255

Yeas—37

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

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—1

Goschka

Not Voting—0

In The Chair: Birkholz

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

Senate Bill No. 1199, entitled

A bill to allow the requiring of a permit before demonstrating outside of locations in which a funeral service is being held; to allow local units of government to prohibit certain conduct at or near the locations in which a funeral service is being held; to prescribe the powers and duties of certain local governments and officials; and to provide for penalties.

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 Senior Citizens and Veterans Affairs.

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

April 20, 2006

Pursuant to Senate Rule 3.203c, I am hereby re-referring House Bill 5887 and House Bill 5888 from the Local, Urban and State Affairs Committee to the Senior Citizens and Veterans Affairs Committee.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

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.

Senators Allen, Gilbert, Garcia, Birkholz and Cropsey offered the following resolution:

Senate Resolution No. 121.

A resolution to urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada.

Whereas, The Canada-United States border relationship is a special one. More than 300,000 business people, truck drivers, tourists, and regular commuters, and \$1.1 billion in goods on average travel daily between the two nations; and

Whereas, Under the Intelligence Reform and Terrorism Prevention Act of 2004, millions of Americans will be required to show passports when they reenter this country from Canada by January 1, 2008. This provision, known as the Western Hemisphere Travel Initiative (WHTI), is intended to make it more difficult for terrorists to enter the United States. Currently, Americans only need to show a driver's license or a birth certificate when they reenter from Canada; and

Whereas, Congress passed the Real ID Act in 2005, which mandates that beginning in May 2008, a state driver's license cannot be used for any federal purpose (including boarding an airplane), unless it meets specific federal requirements including a digital image of the client's face, proof of legal status, certain mandatory information, and card security features. A Real ID-compliant driver's license is very similar to the documentation necessary to obtain a passport, which is a requirement of the WHTI; and

Whereas, The Michigan Secretary of State has proposed the exploration, on a pilot basis, of the feasibility of developing, in cooperation with the Department of Homeland Security, a state-issued driver's license that is compliant with the Real ID Act as an acceptable document for WHTI; and

Whereas, This dual-purpose driver's license identification card proposal has the following stated objectives: combine the requirements of the WHTI and Real ID Act; recognize the need for secure borders by making it tougher for terrorists to enter the country; provide a convenient service and additional benefits to American citizens; honor the intent of the Real ID Act and the WHTI without subjecting citizens to multiple layers of governmental bureaucracy; and acknowledge the limited state and federal resources available for document verification; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States; the United States Secretary of State; the United States Secretary of the Department of Homeland Security; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; and the members of the Michigan congressional delegation.

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

Senator Barcia was named co-sponsor of the resolution.

Senators Gilbert, Kuipers, Allen, Garcia, Birkholz, Toy, Van Woerkom, McManus, Olshove and Sanborn offered the following concurrent resolution:

Senate Concurrent Resolution No. 43.

A concurrent resolution to urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada.

Whereas, The Canada-United States border relationship is a special one. More than 300,000 business people, truck drivers, tourists, and regular commuters, and \$1.1 billion in goods on average travel daily between the two nations; and

Whereas, Under the Intelligence Reform and Terrorism Prevention Act of 2004, millions of Americans will be required to show passports when they reenter this country from Canada by January 1, 2008. This provision, known as the Western Hemisphere Travel Initiative (WHTI), is intended to make it more difficult for terrorists to enter the United States. Currently, Americans only need to show a driver's license or a birth certificate when they reenter from Canada; and

Whereas, Congress passed the Real ID Act in 2005, which mandates that beginning in May 2008, a state driver's license cannot be used for any federal purpose (including boarding an airplane), unless it meets specific federal requirements including a digital image of the client's face, proof of legal status, certain mandatory information, and card security features. A Real ID-compliant driver's license is very similar to the documentation necessary to obtain a passport, which is a requirement of the WHTI; and

Whereas, The Michigan Secretary of State has proposed the exploration, on a pilot basis, of the feasibility of developing, in cooperation with the Department of Homeland Security, a state-issued driver's license that is compliant with the Real ID Act as an acceptable document for WHTI; and

Whereas, This dual-purpose driver's license identification card proposal has the following stated objectives: combine the requirements of the WHTI and Real ID Act; recognize the need for secure borders by making it tougher for terrorists to enter the country; provide a convenient service and additional benefits to American citizens; honor the intent of the Real ID Act and the WHTI without subjecting citizens to multiple layers of governmental bureaucracy; and acknowledge the limited state and federal resources available for document verification; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Homeland Security to continue to work with the states to coordinate driver's licenses with the new passport requirements to reenter the country from Canada; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States; the United States Secretary of State; the United States Secretary of the Department of Homeland Security; the President of the United States Senate; the Speaker of the United States House of Representatives; the chairs and ranking members of the United States Senate Foreign Relations Committee, the United States Senate Homeland Security and Governmental Affairs Committee, the United States House Homeland Security Committee, and the United States House International Relations Committee; and the members of the Michigan congressional delegation.

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

Senators Barcia and Cropsey were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Allen, Birkholz, Kuipers, Garcia, Jelinek, Basham, Van Woerkom, Barcia, George, Toy and Goschka introduced

Senate Bill No. 1214, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2004 PA 576.

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

Senator Stamas introduced

Senate Bill No. 1215, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 15a (MCL 474.65a), as added by 2002 PA 747.

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

Senators Schauer, Basham, Whitmer, Cherry, Jacobs, Olshove, Barcia and Brater introduced

Senate Bill No. 1216, entitled

A bill to regulate political activity; to regulate certain candidates and state officials; to require certain financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Senators Whitmer, Schauer, Olshove, Cherry, Jacobs, Basham, Barcia and Brater introduced

Senate Bill No. 1217, entitled

A bill to establish standards of ethical conduct for employees and officials in the executive branch of state government; to impose certain conditions on employees and officials in the executive branch of state government and enhance accountability; to require public disclosure by employees and officials in the executive branch of state government of certain transactions and to require the filing of a transactional disclosure statement; to create a board of ethics; to provide for enforcement; to prescribe penalties and provide remedies; 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 Government Operations.

Senators Schauer, Basham, Whitmer, Cherry, Jacobs, Olshove, Barcia and Brater introduced

Senate Bill No. 1218, entitled

A bill to establish standards of ethical conduct for members of the state legislature; to impose certain conditions on members of the state legislature, former members of the state legislature, and associated businesses to enhance accountability; to require public disclosure by members of the state legislature of certain transactions and to require the filing of a transactional disclosure statement; to establish a legislative ethics committee and prescribe its powers and duties; and to prescribe sanctions and provide remedies.

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

Senators Jacobs, Schauer, Basham, Barcia, Cherry, Olshove, Brater and Whitmer introduced

Senate Bill No. 1219, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 57a.

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

Senators Cherry, Schauer, Barcia, Olshove, Whitmer, Jacobs and Brater introduced

Senate Bill No. 1220, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 4.411 to 4.431) by adding section 11a.

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

Senators Brater, Schauer, Basham, Olshove, Cherry, Jacobs, Barcia and Whitmer introduced

Senate Bill No. 1221, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

Senators Olshove, Schauer, Basham, Cherry, Jacobs, Barcia, Brater and Whitmer introduced

Senate Bill No. 1222, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 4.411 to 4.431) by adding section 21b.

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

Senators Switalski, Schauer, Olshove, Cherry, Jacobs, Basham, Barcia, Brater and Whitmer introduced

Senate Bill No. 1223, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending sections 1, 3a, and 8 (MCL 15.321, 15.323a, and 15.328), section 3a as amended by 1996 PA 203 and section 8 as amended by 1997 PA 145.

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

Senators McManus, Kuipers, Birkholz, George, Garcia, Allen and Leland introduced

Senate Bill No. 1224, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 612 and 660 (MCL 257.612 and 257.660), section 612 as amended by 1990 PA 33 and section 660 as amended by 2002 PA 494, and by adding sections 660a, 660b, 660c, and 660d.

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

Senators George, McManus, Kuipers, Birkholz, Allen and Leland introduced

Senate Bill No. 1225, entitled

A bill to amend 1974 PA 369, entitled "Driver education and training schools act," by amending section 11 (MCL 256.611), as added by 2004 PA 70.

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

Senator Cropsey introduced

Senate Bill No. 1226, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2004 PA 63.

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

House Bill No. 5855, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95), as amended by 2004 PA 172. 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 Finance.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

This didn't come from my website. I just happened to have been at an establishment and we just started talking about insurance. There was a woman from Macomb County who had four of her children in college. She had six cars. She said, "I pay \$900 for the six cars, but, you know, my mother lives in Detroit and she was paying \$600 a month. I'm a senior, so my mother's really a senior. I decided while I was going through her bills and when I saw how much she was paying, I said, 'Mom, we're just going to use my address.'" So her car insurance bill went from \$600 a month to \$350 a year. Now that's ridiculous. But now since she lives in Detroit, she can't vote because she is not registered there at that address any longer since she had the change.

I just want my colleagues to understand how important it is for us to change the laws on insurance since we mandate it, that it is equitable for everyone. That's what affordable means. It means that everyone will be charged according to the kind of car they drive, their driving record, and the distance that they drive because she said her mom only went to church and very seldom to some outings.

So I just want you all to realize just how important it is that we do something about our insurance laws.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 1132, 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 11e (MCL 247.661e), as added by 1992 PA 223.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

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

The Committee on Transportation reported

Senate Bill No. 1192, 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 11e (MCL 247.661e), as added by 1992 PA 223.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, April 18, 2006, at 1:05 p.m., Room 110, Farnum Building

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

Excused: Senator Goschka

The Committee on Finance reported

Senate Bill No. 1039, entitled

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

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5154, entitled

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

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, April 19, 2006, at 12:10 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus and Brater

Excused: Senator Thomas

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1133, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending sections 1, 2, 2a, 2b, 2c, 3b, 3c, 3e, 4, 5a, 5d, 5g, 5h, 5i, 5p, 10, 16, 21b, 21c, 21d, 23, 24, 26, 28, 29, 30, and 32 (MCL 29.1, 29.2, 29.2a, 29.2b, 29.2c, 29.3b, 29.3c, 29.3e, 29.4, 29.5a, 29.5d, 29.5g, 29.5h, 29.5i, 29.5p, 29.10, 29.16, 29.21b, 29.21c, 29.21d, 29.23, 29.24, 29.26, 29.28, 29.29, 29.30, and 29.32), sections 1, 3b, 3c, 5a, and 5d as amended by 1996 PA 152, sections 2a and 21c as amended and sections 2b, 3e, and 5i as added by 1980 PA 247, section 2c as added by 1996 PA 147, section 4 as amended by 1980 PA 516, section 5g as amended by 1987 PA 70, section 5p as added by 1986 PA 67, and sections 26, 28, 29, 30, and 32 as added by 1982 PA 144, and by adding sections 1b, 1c, and 1d; 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.

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1134, entitled

A bill to amend 1978 PA 170, entitled "An act to provide for a state arson strike force unit and to prescribe the powers and duties of the strike force unit and the department of state police," by amending section 2 (MCL 28.72).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1135, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1136, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155, 20156, and 22210 (MCL 333.20155, 333.20156, and 333.22210), section 20155 as amended by 2001 PA 218, section 20156 as amended by 1990 PA 179, and section 22210 as amended by 1993 PA 88; 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.

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1137, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 3 (MCL 338.973).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1138, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 1b, 3, 4, and 5a (MCL 388.851b, 388.853, 388.854, and 388.855a), section 1b as added by 2002 PA 628.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1139, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 10, 11, and 20 (MCL 400.710, 400.711, and 400.720), sections 10 and 20 as amended by 1986 PA 257 and section 11 as amended by 1992 PA 176.

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1140, entitled

A bill to amend 1942 (1st Ex Sess) PA 9, entitled "An act providing for compensation to certain fire fighters injured in the safeguarding of life and property, and payment to the surviving spouse and dependents in case of death; and to make an appropriation therefor," by amending section 1 (MCL 419.201).

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1141, entitled

A bill to amend 1944 (1st Ex Sess) PA 52, entitled "An act to provide for the establishment of and quieting the title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood or other major disaster, and to establish the procedure therefor and to provide an appropriation to pay certain costs thereof," by amending section 16 (MCL 561.16).

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1142, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 138, 140, and 146 (MCL 330.1138, 330.1140, and 330.1146), section 138 as amended by 1995 PA 290.

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1143, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 243b (MCL 750.243b).
With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1144, entitled

A bill to amend 1988 PA 456, entitled "An act to provide certain immunity from civil action to certain instructors," by amending section 1 (MCL 29.401).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1145, entitled

A bill to amend 1988 PA 457, entitled "An act to provide certain immunity from civil liability to certain institutions of higher education and health facilities and employees of institutions of higher education and health facilities," by amending section 2 (MCL 29.412).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5860, entitled

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending the title and sections 1, 2, 3, 9, 11, 13, and 14 (MCL 29.361, 29.362, 29.363, 29.369, 29.371, 29.373, and 29.374), the title and sections 2 and 3 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5861, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the

state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by repealing section 5 (MCL 28.5).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5862, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 3a and 8b (MCL 125.1503a and 125.1508b), as added by 1999 PA 245.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5863, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 77101 (MCL 324.77101), as added by 1995 PA 58.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5864, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 2 (MCL 338.882), as amended by 1992 PA 130.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5865, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as amended by 2002 PA 695.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5866, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 58 (MCL 400.58).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5867, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 20 (MCL 408.820).

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5868, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 12 (MCL 480.22), as amended by 2005 PA 177.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5869, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations;

to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 2, 3, and 10 (MCL 722.112, 722.113, and 722.120), section 2 as amended by 1983 PA 150, section 3 as amended by 1980 PA 232, and section 10 as amended by 1994 PA 205.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5870, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3010 (MCL 500.3010), as added by 2000 PA 413.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 5871, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, April 19, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Wednesday, April 19, 2006, at 8:15 a.m., Rooms 402 and 403, Capitol Building

Present: Senator Hardiman (C), George and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submitted the following:

Meeting held on Wednesday, April 19, 2006, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Allen (C), Bishop, Birkholz, Olshove and Whitmer

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:
Meeting held on Wednesday, April 19, 2006, at 3:30 p.m., Room 405, Capitol Building
Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

Scheduled Meetings**Appropriations -****Subcommittees -**

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

Commerce, Labor and Economic Development - Wednesdays, April 26, May 10 and May 17, 3:00 p.m., Room 405, Capitol Building (373-2420)

General Government - Tuesdays, April 25, May 2, May 9 and May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, April 25, May 9 and May 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

Human Services Department - Wednesdays, April 26, May 3, May 10 and May 17, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-1801)

Judiciary and Corrections - Tuesdays, April 25 and May 2, 3:00 p.m., Room 402, Capitol Building (373-3760)

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

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

Judiciary - Tuesday, April 25, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs - Tuesday, April 25, 3:00 p.m., Room 110, Farnum Building (373-3447)

Transportation - Tuesday, April 25, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:06 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, April 25, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

