

**No. 45**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

---

---

Senate Chamber, Lansing, Thursday, May 11, 2006.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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

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

Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—excused  
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

Reverend Daniel C. Russell of First Baptist Church of Lincoln Park offered the following invocation:

Dear Lord God, I come to you today, invoking Your divine blessing on this body of Senators, as well as all those in this place, who serve the good people of Michigan. I pray that You will give wisdom and discernment in all matters that come before this body of men and women. O Lord, give them clarity of heart and mind as they weigh the issues brought before them. May they remain dedicated to serving the best interest of the citizens in their charge, as well as being committed to voting their conscience.

Lord, keep these Senators in good health and bring healing to those who suffer illness. Keep them safe as they travel many miles in the administration of their duties. Give them resolve as they meet the challenges of differing opinions. Give them the words to say as they seek to explain their positions on the issues, and give them patience as they face the ever-present frustrations of politics.

O Lord, bless each Senator with a personal relationship with You. Bless each of their families with prosperity and protection. Bless each of their friends and colleagues with a cooperative spirit of support, and bless each citizen under their leadership with a sense of respect for the responsibility that these Senators carry day in and day out.

Lord, I pray Your blessing on the good people of this great state of Michigan from Lansing to Detroit to Benton Harbor to Grand Rapids to Bay City to Mackinac to Ironwood, and all points in between. Bless the citizens of this fine state with the empowerment of personal integrity, the appreciation of family values, the benefit of a good job, the protection of the rule of law, and the motivation to be involved in the process of government.

And, O Lord, bless these United States of America, from coast to coast and border to border, with strength of morals, with economic stability, with compassion for the needy, with conviction to fight our enemies, and with a determined mission to stay free ourselves and help other countries be free as well. And, Lord, bless our nation with a steadfast hope that extends beyond our day to the generations of Americans to come.

In Jesus' name. Amen.

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

### Motions and Communications

Senator Schauer moved that Senator Thomas be temporarily excused from today's session.  
The motion prevailed.

Senators George, Goschka and Garcia 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 Brown be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

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

**Senate Resolution No. 134.**

A resolution to urge the Democratic National Committee to consider Detroit as the host site for the 2008 Democratic National Convention.

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

Senators Thomas, Brown and Switalski entered the Senate Chamber.

The following communication was received:  
Department of Human Services

May 3, 2006

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

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Interim	Ontonagon County DHS	CP660201340

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

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

Sincerely,  
Marianne Udow

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Environmental Quality

May 5, 2006

Section 16908(6) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires the Department of Environmental Quality (DEQ) to report annually to the Legislature on the utilization of revenues of the Scrap Tire Regulatory Fund (Fund). The following is a break down of Fiscal Year (FY) 2005 appropriations and expenditures for the Regulatory Program and the Grant Program.

In FY 2005 the Legislature appropriated \$6,649,200 from the Fund, including \$1,399,200 for the Regulatory Program, \$5,150,000 for Scrap Tire Cleanup Grants, Market Development Grants, and End-User Grants, and \$100,000 for Tire Fire Suppression Grants. During FY 2005 \$1,363,000 was expended for the Regulatory Program and \$4,478,900 was expended for Cleanup Grants. There were no dollars expended for Market Development Grants, End-User Grants, or Tire Fire Suppression Grants. A total of \$691,000 was encumbered at the close of FY 2005 for Cleanup Grants and End-User Grants that were awarded but not completed during FY 2005 and have since been completed during FY 2006.

The enclosed table represents the status of the Fund. If you have any questions or require further information, please contact Mr. George Bruchmann, Chief, Waste and Hazardous Materials Division, at 517-373-9523, or you may contact me.

Sincerely,  
Steven E. Chester  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

May 9, 2006

Enclosed is a copy of the following audit report:

Performance audit of Cooper Street Correctional Facility, Department of Corrections.

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

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 2006 through March 31, 2006, and are available in the Secretary's office during business hours for public inspection:

**Committee**  
Agriculture, Forestry and Tourism  
Appropriations  
Banking and Financial Institutions

**Chairperson**  
Senator Gerald Van Woerkom  
Senator Shirley Johnson  
Senator Michael Bishop

Commerce and Labor	Senator Jason Allen
Economic Development, Small Business and Regulatory Reform	Senator Alan Sanborn
Education	Senator Wayne Kuipers
Families and Human Services	Senator Bill Hardiman
Finance	Senator Nancy Cassis
Gaming and Casino Oversight	Senator Jason Allen
Government Operations	Senator Ken Sikkema
Health Policy	Senator Beverly Hammerstrom
Judiciary	Senator Alan Cropsey
Local, Urban and State Affairs	Senator Laura Toy
Natural Resources and Environmental Affairs	Senator Patricia Birkholz
Senior Citizens and Veterans Affairs	Senator Laura Toy
Technology and Energy	Senator Bruce Patterson
Transportation	Senator Jud Gilbert

The Secretary announced that the following official bills were printed on Wednesday, May 10, and are available at the legislative website:

**Senate Bill Nos. 1255 1256 1257 1258**  
**House Bill Nos. 6042 6043**

### Messages from the Governor

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

**Senate Bill No. 272**  
**Senate Bill No. 271**  
**Senate Bill No. 264**  
**Senate Bill No. 274**  
**Senate Bill No. 281**  
**Senate Bill No. 175**  
**Senate Bill No. 236**  
**Senate Bill No. 892**  
**Senate Bill No. 893**  
**Senate Bill No. 956**  
**Senate Bill No. 957**  
**Senate Bill No. 179**  
**Senate Bill No. 1026**  
**Senate Bill No. 1027**  
**Senate Bill No. 1028**  
**Senate Bill No. 372**  
The motion prevailed.

The following messages from the Governor were received and read:

May 10, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 22211 of the Public Health Code, 1978 PA 368, MCL 333.22211:

#### **Certificate of Need Commission**

Mr. Marc D. Keshishian, M.D., a Democrat, of 30498 Fox Club Drive, Farmington Hills, Michigan 48331, county of Oakland, succeeding Renee Turner Bailey, whose term has expired, representing a nonprofit health care corporation operating pursuant to the Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1101 to 550.1703, for a term commencing May 10, 2006 and expiring January 1, 2008.

Mr. Adam A. Miller, a Democrat, of 711 Barrington Road, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding James Maitland, whose term has expired, representing organized labor unions in this state, for a term commencing May 10, 2006 and expiring January 1, 2009.

Ms. Kathie L. VanderPloeg-Hoekstra, a Republican, of 3495 Hampstead Court, Portage, Michigan 49024, county of Kalamazoo, succeeding James Delaney, whose term has expired, representing a company that is not self-insured for health coverage, for a term commencing May 10, 2006 and expiring January 1, 2009.

Mr. Bradley N. Cory, a Republican, of 110 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, reappointed to represent nursing homes, for a term expiring April 9, 2009.

Mr. Michael A. Sandler, M.D., a Democrat, of 4270 Barcroft Way, West Bloomfield, Michigan 48323, county of Oakland, reappointed to represent individuals licensed under part 170 to engage in the practice of medicine, for a term expiring April 9, 2009.

May 10, 2006

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Sections 302 and 2002 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2002:

**Board of Professional Surveyors**

Ms. Catherine M. DeDecker of 11970 Diamond Lane, Washington, Michigan 48094, county of Macomb, succeeding Lori E. Beyer, who has resigned, representing professional surveyors, for a term commencing May 10, 2006 and expiring March 31, 2009.

Mr. Robert A. Stanford of 11121 Haller Street, Livonia, Michigan 48150, county of Wayne, succeeding Diane Adams, whose term has expired, representing the general public, for a term commencing May 10, 2006 and expiring March 31, 2009.

Mr. Ronnie M. Lester of 3081 Holt Road, Mason, Michigan 48854, county of Ingham, reappointed to represent professional surveyors, for a term expiring March 31, 2009.

Mr. Carl F. Shangraw of 2493 Rosa Casa Lane, Rockford, Michigan 49341, county of Kent, reappointed to represent professional surveyors, for a term expiring March 31, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 875**

The motion prevailed.

**Senate Bill No. 872, entitled**

A bill to amend 1963 (2nd Ex Sess) PA 43, entitled “An act to provide for public hearings on budgets of local units of government,” by amending section 3 (MCL 141.413).

Substitute (H-2).

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

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

**Roll Call No. 348**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

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

**Senate Bill No. 908, entitled**

A bill to amend 2003 PA 238, entitled “An act to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts,” by amending sections 27 and 47 (MCL 55.287 and 55.307); and to repeal acts and parts of acts.

Substitute (H-1).

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

**Roll Call No. 349**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

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

**Third Reading of Bills**

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

- Senate Bill No. 1198**
- Senate Bill No. 1172**
- Senate Bill No. 1202**
- Senate Bill No. 689**
- Senate Bill No. 1106**
- House Bill No. 4138**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1198, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111I.

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. 350**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1172, entitled**

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 301, 401, and 717 (MCL 484.1301, 484.1401, and 484.1717), section 301 as amended by 1994 PA 29, section 401 as amended by 1999 PA 81, and section 717 as added by 1999 PA 79, and by adding section 413.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 8, line 25, after “STATE” by inserting “AND RECOMMENDATIONS, IF ANY, FOR THE ESTABLISHMENT OF STANDARDS FOR THE TRAINING AND RESPONSE TIME OF 9-1-1 PERSONNEL”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 351**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1202, entitled**

A bill to amend 2004 PA 452, entitled “Identity theft protection act,” by amending section 5 (MCL 445.65) and by adding section 5a.

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. 352**

**Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Johnson	Scott



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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 689, entitled**

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” (MCL 691.1401 to 691.1419) by adding section 7c.

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. 353**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1106, entitled**

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,” by amending sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270.

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. 354****Yeas—37**

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

**Nays—0****Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4138, entitled**

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

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. 355**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—0**

In The Chair: Sanborn

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

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

The motion prevailed.

Senator Johnson's statement is as follows:

This is a particularly difficult day for me. This is a special individual who has been incredible. He volunteered on my campaign for the Senate that I did not wish to run, but John Engler made me. I was into retirement, frankly. But he came down day after day and he worked his heart out from early morning until late in the evening. I hired him as my chief of staff. We walked into the Farnum Building and into our first office, and there was nothing but a bunch of broken-down pieces of furniture that other members had discarded in the office, including eleven paper shredders. There were no chairs for either he or I to sit on. Carol Viventi made sure that we at least had a chair.

He promised that when we first walked through that door that he would never let me down. He has been with me and for me and by me. He is so aware of my personal dilemmas and problems. He is so much a part of my life that he is almost like one of my children. He means as much to me as a family member could mean to any of you. He does only because he has supported me when things have been so rough personally, and he supported me when I have gone off on a limb and he has grabbed me back when I have gone ballistic. He tells me, "You don't want to do that or don't get up and speak on this and don't do this, and yes, you should do this, and you did good, and you didn't do very good on that one." He has just been an incredible individual and I am losing him. It is very hard.

He is taking a position with the drug industry, which is some ways very appropriate after having worked for me for all these years. I know that our staff—look at all those males over there—they all work for me; isn't that something. I know they are reluctant to see him leave and they are all grateful that Tom is replacing him.

To say good-bye is the hardest thing for me to do. I just regret it very much, but I am so proud of him. I know how much all of you appreciate all that he has done on your behalf and the work that he has contributed to this majority party and to the minority as well. He is just one heck of a guy. I would appreciate it if you would all join me in wishing Brian O'Connell—oh, I should recognize two staff members, Evie Zois and Rebecca Devooght, a couple of broads who like Brian a lot—just kidding.

I did not do a tribute. I did something a little more special. If any of you want a copy of that photo, it was taken by Patrick. It is absolutely gorgeous; it is one of the best of this Capitol Building. It comes in all different shapes and sizes.

Brian, get out there and lobby and do all those things. We passed out some Chap Sticks in Appropriations yesterday because he will be out there kissing all of you in no time at all.

Senator Sikkema's statement is as follows:

I want to add my thoughts and some comments today as well. First of all, I think someone who has not only survived that number of years with the chair of the Senate Appropriations Committee, but has actually thrived during that time is truly a unique individual. I am going to nominate him to solve the committee peace process or something.

Brian's service to this chamber and through us to the people of Michigan, particularly in the appropriations process, as we have gone through the kind of challenges that we have gone through, his honesty, his intelligence, and deep knowledge has been a tremendous asset not just to Senator Johnson and the Senate Appropriations Committee, both sides of the aisle, but to the entire Senate. I, too, will truly miss him. I will miss him as an individual and I will miss his service to this chamber.

Brian, on behalf of the entire Senate, we want to thank you for your service and wish you Godspeed in the future.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Jacobs as Chairperson.

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

**House Bill No. 5630, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5112.

**House Bill No. 5631, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2253 (MCL 333.2253).

**House Bill No. 5607, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 1995 PA 129.

**House Bill No. 5979, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make

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

**House Bill No. 5450, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 349 (MCL 750.349).

**House Bill No. 5451, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 349b.

**House Bill No. 5449, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2005 PA 302.

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:

**House Bill No. 5760, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2004 PA 5.

Substitute (S-1).

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

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

**Senate Bill No. 1107, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183), as amended by 2004 PA 122.

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. 5653, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17508, 18001, 18011, and 18021 (MCL 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17508, 333.18001, 333.18011, and 333.18021), section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, and section 18021 as amended by 1993 PA 79, and by adding sections 18008, 18048, 18049, 18050, 18054, 18056, and 18058; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1121, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 2004 PA 555.

Substitute (S-1).

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

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

**Senate Bill No. 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.

Substitute (S-1).

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

### Resolutions

**Senate Resolution No. 134.**

A resolution to urge the Democratic National Committee to consider Detroit as the host site for the 2008 Democratic National Convention.

The question being on the adoption of the resolution,

The resolution was adopted.

### Introduction and Referral of Bills

Senators Cassis, Switalski, Goschka and Allen introduced

**Senate Bill No. 1261, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 2004 PA 385.

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

By unanimous consent the Senate returned to the order of

### Messages from the House

**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 House of Representatives has amended the bill as follows:

1. Amend page 1, line 7, after "church," by inserting "synagogue, mosque, any other place of worship,".

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 356**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Jelinek

**Not Voting—1**

Emerson

In The Chair: Sanborn

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

**Senate Bill No. 1171, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168).

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

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

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

**Senate Bill No. 1229, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

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

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

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

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

This comes from Hamtramck, from my website: "The rate of auto theft may be slightly higher in the urban area, but auto theft brings cash in on more expensive cars in the suburbs. In addition, the accident rate is higher in the suburbs than in the city and the damage to the more expensive cars cost insurance companies more.

No matter what you call it, the insurance companies are redlining and this is not only illegal, but unethical. The lower classes get ripped off again and the inequitable rates smack of racism."

Senator Toy's statement is as follows:

I rise today for a very proud moment in our office. One of the people who has been with me through the House of Representatives and the Senate who unfortunately—or fortunately—went to Michigan State and has just completed law school at Cooley Law School last week, passed the bar, and was multistated as well. We are very proud of this individual, Jessica Hayden, from our office. She came up here from Livonia and she was a Ladywood girl. Those of you who don't know what Ladywood girls are, I will let you research that. She has been with us for about five and a half years. She is a wonderful staff person, and we wish her all the best. She is going to be looking for a job in the law field.

Senator Gosckha's statement is as follows:

I would like to bring to the attention of the members and staff. Some of you have perhaps gotten to know John Sturk, one of our pages. John has on more than one occasion thrilled many of us by showing us much of his magic prowess. He is remarkable in the personality that he has, and if you don't know this fellow yet, this is his last day. I hope you will ask him to show you some of what he does.

This summer he will be working at Mackinaw City all summer, being paid to perform magic tricks and all the things the he does. He honestly, I think, is a master at what he does. More importantly, he is just a very fine young man.

John, we are going to miss you. We wish you well this summer and into your fall activities, whatever that may be. I would ask that we all give John Sturk a very warm hand for the very fine young man that he is.

### Committee Reports

The Committee on Families and Human Services reported  
**Senate Resolution No. 127.**

A resolution to request the Department of Community Health, the Department of Labor and Economic Growth, and the Department of History, Arts, and Libraries be added as co-chairs to the Michigan After-School Partnership, to urge the partnership to expand and add additional programs, and to urge the partnership to report on its progress in reaching its goals.

(For text of resolution, see Senate Journal No. 40, p. 824.)

With the recommendation that the resolution be adopted.

Bill Hardiman  
 Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Families and Human Services reported  
**House Bill No. 5843, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8b (MCL 722.628b), as amended by 1998 PA 484.

With the recommendation that the bill pass.

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

Bill Hardiman  
 Chairperson



## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 5844, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 2002 PA 693.

With the recommendation that the bill pass.

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

Bill Hardiman  
Chairperson

## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 5930, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 6 (MCL 722.626), as amended by 1984 PA 418.

With the recommendation that the bill pass.

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

Bill Hardiman  
Chairperson

## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, May 9, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

The Committee on Gaming and Casino Oversight reported

**Senate Bill No. 1052, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2 and 4 (MCL 431.302 and 431.304).

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

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Bishop, Olshove and Whitmer

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 Gaming and Casino Oversight submitted the following:

Meeting held on Wednesday, May 10, 2006, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Birkholz

The Committee on Finance reported

**Senate Bill No. 803, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 8 (MCL 211.8), as amended by 2002 PA 620.

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

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

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

The Committee on Finance reported

**House Bill No. 5854, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35 and 37 (MCL 205.735 and 205.737), as amended by 2003 PA 131, and by adding section 35a.

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, May 10, 2006, at 12:10 p.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Wednesday, May 10, 2006, at 8:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senator Hardiman (C), George and Scott

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 10, 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 Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, May 10, 2006, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

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

**Agriculture** - Thursday, May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

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

**General Government** - Tuesday, May 16, 1:00 p.m., Room 405, Capitol Building (373-2420)

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

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

**Judiciary and Corrections** - Tuesday, May 16, 3:00 p.m., Room 402, Capitol Building (373-3760)

**State Police and Military Affairs** - Thursday, May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

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

**Government Operations** - Tuesday, May 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

**Judiciary** - Tuesday, May 16, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Legislative Retirement Board of Trustees** - Wednesday, May 17, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Natural Resources and Environmental Affairs** - Tuesday, May 16, 3:00 p.m., Room 110, Farnum Building (373-3447)

**State Drug Treatment Court Advisory Committee** - Tuesday, May 23, 9:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Subcommittees -**

**Certification** - Tuesday, May 23, immediately after the full State Drug Treatment Court Advisory Committee meets, Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Cross Assignment** - Tuesday, May 23, immediately after the full State Drug Treatment Court Advisory Committee meets, Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:16 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, May 16, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

