

No. 15
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, February 16, 2006.

10:00 a.m.

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

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

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

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

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

Pastor Dominic Russo Jr. of Oakland Christian Church of Oakland Township offered the following invocation:

Father, we just give You praise this wonderful morning. We honor You in this place, Lord. We are reminded of the great Apostle Paul when he told young Timothy, "First of all, pray for leaders, those that are in authority, those that have the great responsibility of leading and governing people."

Lord, we thank You today as we gather before You that we can ask You for wisdom; Lord, we can ask You for strength; Lord, we can ask You for power to do the right thing to make the right decisions. Lord, I pray for all the great Senators of Michigan that, Lord, they would see what You see; that they would feel what You feel; that they would hear what You hear; and they would do what You would do.

Lord, we thank You that we humbly come to You, thanking You that when we humble our hearts before You, You come close to us. You give us the grace and the divine assistance that we need to govern this great state.

Lord, we thank You that in humility, You can cause us to become one mind. You can cause us to become one in thought. Father, together we can accomplish great things in our land.

Lord, I thank You today that You would break us out of the old wine. You said in Your Word, Lord, don't put new wine in old wine skins or the wine will burst and fall out and be wasted. Lord, I pray for each Senator this morning that You would grace them with new wine and give them new wine skins. Give us new ideas. Give us new thought patterns. Give us new strategies. Give us new instructions to govern this great state.

Lord, we thank You for prosperity in our transportation, our business, and our education. Father, we thank You that You give lawmakers the wisdom, Lord, that we would see Michigan back on its road financially, physically, morally—responsibly in every single realm of our existence. Lord, I pray specifically that You would heal Detroit and its suburbs, that You would cause us to be one again; that we would see prosperity hit our great state that would rival all of the nation that, Father, they would look and see a great light that would shine out of Michigan because lawmakers have risen to the occasion.

Lord, I pray specifically for each and every one of my friends here today. Father, I pray for them because they have families. They have marriages. They have children. I pray that You would remove sickness and disease away from their midst—maybe a wife who's fighting cancer or a teenage son or daughter who's struggling. Lord, they have needs. I pray, Lord, that Your Word says You're a very present help in time of need. Lord, I thank You that You would be their very present help. Strengthen the sick one. Lift up that son who is troubled, I pray. Lord, I bless each and every person here now.

In the mighty name of the Father, the Son, and the Holy Spirit, may this great state be blessed this day. In Jesus' name we pray. Amen.

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

Motions and Communications

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

Senator Hammerstrom moved that Senators Johnson and Goschka be temporarily excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that Senator Garcia 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. 1040

Senate Bill No. 1005

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

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

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

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

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

Senators Johnson and Goschka entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:09 a.m.

10:14 a.m.

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

During the recess, Senator McManus introduced the Frankfort High School Girls Basketball Team, 2005 Class D State Champions, and Head Coach Tim Reznich; and presented them with a Special Tribute.

Coach Reznich responded briefly.

The following communication was received:

Office of the Auditor General

February 14, 2006

Enclosed is a copy of the following audit report:

Performance audit of the Emerald Ash Borer Program, Pesticide and Plant Pest Management Division, Department of Agriculture.

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

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, February 15:
House Bill No. 5627

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 15, and are available at the legislative website:

Senate Bill No. 1045

House Bill Nos. 5671 5672 5673 5674 5675 5676 5677 5678

House Joint Resolution T

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

House Bill No. 5177

House Bill No. 5178

The motion prevailed.

Senate Bill No. 128, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

The House of Representatives has amended the bill as follows:

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

"Enacting section 1. This amendatory act takes effect January 1, 2007.".

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

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

Senate Bill No. 658, entitled

A bill to amend 1889 PA 39, entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce," by amending section 4 (MCL 455.54), as amended by 1982 PA 85.

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

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

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

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

Senate Bill No. 751, entitled

A bill to amend 1929 PA 137, entitled "An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers," by amending section 19 (MCL 455.219).

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

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

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

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Switalski as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 1005, entitled

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending section 9 (MCL 388.1929).

The bill 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. 1040, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1005

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

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 1005, entitled

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending section 9 (MCL 388.1929).

The above bill was read a third time.

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. 85**Yeas—36**

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

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Basham introduced
Senate Bill No. 1047, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

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

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

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Statements

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

The motion prevailed.

Senator Scott’s statement is as follows:

You know, we heard a wonderful prayer this morning and I’m just going to continue that a little.

Heavenly Father, we come to You this morning saying thank You. Thank You for this wonderful, wonderful day that we have. But, Father, I just want You to know that there are so many people hurting because they can’t afford to have a life that so many of us enjoy. These are people who only get \$400, \$500, or \$600 a month income. They are on fixed incomes. They can’t drive a car because they don’t have the opportunity to have affordable insurance. They don’t have the dollars to pay for the high heating bills. Some of them don’t even have the money to buy the kind of medication that they need because they don’t have proper insurance.

So, Father, I've been here fighting for years when I haven't been able to help them. So I'm calling on You this morning, Lord, to touch my colleagues, to let them know that we are all Your people and that all of us should be treated fairly since some of us don't know what fair is. Fair is when we treat everyone the same.

So, Father, I'm asking You to just touch each and every one of them, that they will understand; that it's in our hands here, in the Legislature, that we can make life affordable for these people. So I ask You to touch them this morning, Lord, and let them understand that when You do it to the least of these, you've done it unto Thee. Thank You, Father. Amen.

Senator Allen's statement is as follows:

Today I rise in honor of the retirement of a key figure in Michigan history. It was with a heavy heart that I read the last columns to be written by a friend of mine, George Weeks.

George Weeks has had a storied career as serving the public and the citizens of this state as both a public servant and a member of the Michigan press corp. Mr. Weeks' journalism career commenced at the *United Press International*, where he worked on a variety of issues and capacities over a 15-year period, covering Detroit, Lansing, and as Washington's foreign editor.

In 1969, George Weeks joined the staff of Governor Bill Milliken, where he served in a variety of capacities over the 14-year period. After serving the state of Michigan in the Governor's office, George Weeks returned to his journalistic roots and began writing the thrice-weekly column which we have all known and come to love—or sometimes love, depending on what was in the issue that week. But no one could argue with George's upstanding career, his character, and integrity. His contributions both serving under Governor Milliken and keeping the citizens of northern Michigan informed on the happenings in this great state during his journalism career have made him a household name.

In addition to the admiration of his great accomplishments and dedications, George has always had a very special place in my heart. He is a hometown native of Traverse City and graduated from the same high school as I did. He is truly one of the accomplished heroes of the Traverse City area with his numerous activities.

Weeks has not forgotten his northern Michigan roots, and his passion for northern Michigan was apparent in his work over the past years. We have been truly blessed to have a man of his character serving our state and our community and pride of our state.

I have enjoyed working with him over the years in my capacity in the Michigan Legislature and would always look forward to reading his columns when I got home. I, and I am sure many of my colleagues, are truly saddened to see him retire. I know that this week's newspaper may not be the same without his column. We wish him the best in his retirement and congratulate him on a remarkable career.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:39 a.m.

10:46 a.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 374, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), section 2950 as amended by 2001 PA 200 and section 2950a as amended by 2001 PA 201.

Senate Bill No. 375, entitled

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

circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5h, 5j, 5k, 5m, 5o, 5w, 6a, and 8 (MCL 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425h, 28.425j, 28.425k, 28.425m, 28.425o, 28.425w, 28.426a, and 28.428), section 4 as added by 1992 PA 219, sections 5, 5a, 5e, 5h, 5k, 5m, and 5w as added and section 8 as amended by 2000 PA 381, section 5b as amended by 2003 PA 31, sections 5c, 5d, 5f, and 5o as amended by 2002 PA 719, section 5j as amended by 2004 PA 254, and section 6a as amended by 1991 PA 34.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Hammerstrom moved that the bills be referred to the Committee on Judiciary.

The motion prevailed.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1040, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater 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 Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, February 14, 2006, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

Senate Bill No. 1005, entitled

A bill to amend 2005 PA 92, entitled "School bond qualification, approval, and loan act," by amending section 9 (MCL 388.1929).

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Goschka, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 15, 2006, at 2:05 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Wednesday, February 15, 2006, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Johnson, Jelinek and Cherry

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 15, 2006, at 12:05 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, February 15, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Excused: Senator Brown

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

Community Colleges - Wednesday, February 22, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Tuesdays, February 21, February 28 and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, February 21, February 28, March 7 and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Fridays, February 17, 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing; February 24, Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

Judiciary and Corrections - Tuesday, February 21, 3:00 p.m., Room 402, Capitol Building (373-3760)

Natural Resources Department - Wednesdays, February 22, March 1, March 8 and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

Education - Monday, February 20, 10:30 a.m., Kalamazoo RESA, 1819 East Milham Road, Kalamazoo (373-6920)

Families and Human Services - Tuesday, February 28, 3:00 p.m., Room 210, Farnum Building (373-1801)

Health Policy - Wednesday, February 22, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Judiciary - Tuesday, February 21, 12:00 noon, Room 210, Farnum Building (373-3760)

Michigan Law Revision Commission - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

Natural Resources and Environmental Affairs - Tuesday, February 21, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, February 22, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation - Tuesday, February 21, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:47 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, February 21, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

