

No. 108
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, December 9, 2004.

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
Bernero—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—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Reverend Larry Cuyler of Peace Community Church of Climax offered the following invocation:

Dear Heavenly Father, we thank You for hearing the prayers of those who love You. I thank You for giving me the opportunity to pray for our Senators here who represent us, the common people of this state. I ask that You would bless each of them as they concern themselves with the very special needs of each of their individual constituents. Bless them, Father, with divine wisdom in their decision-making and the leadership which affects the future of our state.

Thank You, Father, for the abundance of natural resources in our state, especially iron and copper, but more importantly, water, the one we probably take more for granted and have misused. Please grant guidance to these Senators as they research possibilities for the usage of these resources that You have provided.

God, bless the agricultural efforts of the state of Michigan that feeds not only our state, but many other states, as well as other nations.

Thank You, Lord Jesus, for giving the Climax-Scotts Panthers a successful season and the opportunity to represent good sportsmanship throughout the state and to win friendships with the other teams and communities that we participated with on the gridiron. May this be a hallmark to other teams, that participation in sports would be raised to a higher level.

We thank You once again for allowing us to be here and learning more about our state government. Please bless each government official. In Jesus' name we pray. Amen.

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

Motions and Communications

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

December 8, 2004

Pursuant to MCL 21552(2)(a), I am appointing the following people to the Refined Petroleum Cleanup Advisory Council:

Mr. Kenneth W. Vermeulen
Warner Norcross and Judd
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, MI 49503-2487

Mr. Jerry Hop
J & H Oil Co.
P.O. Box 9464
Wyoming, MI 49509

I believe these men have excellent credentials and will effectively serve the people of Michigan.

Respectfully,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

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

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

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

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:19 a.m.

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

During the recess, Senator George introduced the Climax-Scotts High School Varsity Football Team, Division 8 State Champions, and Head Coach/Athletic Director Kevin Langs, and presented them with a Special Tribute.

Coach Langs responded briefly.

During the recess, Senators Barcia, Garcia, Thomas, Bernero and Clarke entered the Senate Chamber.

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

The motion prevailed.

Senator Basham's statement is as follows:

I have a special guest in the west balcony, an intern who has served not only our office well, but my district well, and in fact, the state of Michigan well. She's done great constituent relations work, great research work, and we are truly going to miss her because today is her last day.

So could we thank her for all of her great work. Mr. President, her name is Jessica Nowak.

Senator Schauer moved that Senator Olshove be excused from today's session.

The motion prevailed.

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

House Bill No. 6337, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295.

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 rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 6337

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, December 8:

House Bill No. 5630

The Secretary announced that the following official bill was printed on Wednesday, December 8, and is available at the legislative Web site:

House Bill No. 6368

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. 4206

Senate Bill No. 797

The motion prevailed.

Senate Bill No. 677, 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 section 1 (MCL 388.851), as amended by 2003 PA 254.

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

The House of Representatives has passed the bill as substituted (H-1) 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 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. 908

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

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

Senate Bill No. 736, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

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. 817, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2004 PA 52, and by adding section 217o.

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 2004 PA 362, and by adding section 217o.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 909

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 1075, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17049 and 17549 (MCL 333.17049 and 333.17549), as added by 1990 PA 247.

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. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

(For Conference Report, see Senate Journal No. 106, p. 2353.)

The House of Representatives has adopted the report of the Committee of Conference.

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

Senate Bill No. 1129, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5114 and 5114a (MCL 333.5114 and 333.5114a), as added by 1988 PA 489.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 910**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1153, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, sections 1279 and 1279d as amended by 2004 PA 399, section 1279a as added by 2002 PA 592, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 911

Yeas—35

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

Nays—1

Toy

Excused—1

Olshove

Not Voting—1

Johnson

In The Chair: President

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

Senate Bill No. 1154, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 912**Yeas—36**

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

Nays—1

Toy

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), as amended by 2004 PA 351, and by adding section 104b.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 913**Yeas—36**

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

Nays—1

Toy

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1156, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2004 PA 69, and by adding sections 7a and 7b.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 914**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Scott

Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brater	George	Leland	Switalski
Brown	Gilbert	McManus	Thomas
Cassis	Goschka	Patterson	Van Woerkom

Nays—1

Toy

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1157, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 915**Yeas—36**

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

Nays—1

Toy

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8901, 8904, and 8905a (MCL 324.8901, 324.8904, and 324.8905a), section 8904 as amended and section 8905a as added by 1998 PA 15.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 916**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1267, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 317 (MCL 484.1317) and by adding section 317a.

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

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

A bill to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," by amending sections 317 and 602 (MCL 484.1317 and 484.1602) section 602 as amended by 2003 PA 244, and by adding section 317a.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 917

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1329, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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. 1368, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 175 (MCL 600.175), as added by 2003 PA 78.

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. 1369, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 151d and 151e (MCL 600.151d and 600.151e), section 151d as added by 2002 PA 740 and section 151e as added by 2002 PA 742.

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. 1383, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 10 (MCL 224.10), as amended by 2003 PA 137.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 15, after "than" by striking out "\$20,000.00" and inserting "\$15,000.00".

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. 918**Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas

Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1432, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 312.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 14, after “**concern**” by striking out “**in a watershed**” and inserting “**within the portion of a watershed located within their boundaries**”.

2. Amend page 5, following line 23, by inserting:

“**Sec. 31206. This part does not provide a watershed alliance or any of its members with any additional authority not otherwise provided by law.**”.

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.

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 amendments made to the bill by the House,

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

Roll Call No. 919

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1447, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g, 552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 920

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1448, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 24b.

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. 1449, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 418.

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. 1450, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3705 (MCL 700.3705).

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 15, by striking out "**Notwithstanding section 3808, a**" and inserting "**A**".

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.

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. 921**Yeas—37**

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 6164, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," (MCL 125.581 to 125.600) by adding section 4g. The bill was placed on the order of Third Reading of Bills.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 6166, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 16i. The bill was placed on the order of Third Reading of Bills.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 6206, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 16i. The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 5467

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4406

House Bill No. 4787

House Bill No. 4788

House Bill No. 5205

House Bill No. 4654

House Bill No. 5259

House Bill No. 5262

House Bill No. 5140

House Bill No. 4231

House Bill No. 5364

House Bill No. 6164

House Bill No. 6166**House Bill No. 6206**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4406, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14722 and 14725.

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. 922**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: President

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

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

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

Senator Sikkema moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

Senator Sikkema moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4787, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

The question being on the passage of the bill,

Senator Birkholz offered the following amendment:

1. Amend page 8, following line 17, by striking out all enacting section 1.

The question being on the adoption of the amendment,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4788, entitled

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

The question being on the passage of the bill,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5205, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

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. 923

Yeas—33

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

Nays—4

Basham	Cassis	Cropsey	Sanborn
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Excused—1

Olshove

Not Voting—0

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.

The following bill was read a third time:

House Bill No. 4654, entitled

A bill to amend 1971 PA 174, entitled “Office of child support act,” (MCL 400.231 to 400.240) by adding section 3b.

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. 924

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

“An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public and private agencies, and certain employers and former employers,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5259, entitled

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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. 925

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

“An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5262, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 161a. 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. 926

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

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

"An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5140, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2004 PA 396.

The question being on the passage of the bill,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 14, 248, 249, 252a, 252b, 252d, 252e, 252f, 307, 310, 319b, 319g, 320a, and 732 (MCL 257.14, 257.248, 257.249, 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, 257.307, 257.310, 257.319b, 257.319g, 257.320a, and 257.732), sections 248 and 249

as amended by 2002 PA 642, section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e and 252f as added by 1981 PA 104, section 252d as amended by 2000 PA 76, sections 307, 319b, 320a, and 732 as amended by 2004 PA 362, section 310 as amended by 2003 PA 152, and section 319g as added by 2002 PA 534, and by adding sections 79e and 252h; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Gilbert offered the following amendments:

- 1. Amend page 13, line 23, after “(2)” by striking out “(a)” and inserting “(b)”.
- 2. Amend page 76, line 5, after “310,” by striking out “319.”
- 3. Amend page 76, line 7, after “257.310,” by striking out “257.319.”

The amendments were 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. 927

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5364, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 222, 240, 252g, and 907 (MCL 257.222, 257.240, 257.252g, and 257.907), section 222 as amended by 2002 PA 642, section 240 as amended by 1999 PA 267, section 252g as added by 1981 PA 104, and section 907 as amended by 2004 PA 62, and by adding sections 252i, 252j, 252k, 252l, and 252m.

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. 928

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date."

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 6164, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," (MCL 125.581 to 125.600) by adding section 4g. Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Hammerstrom moved to reconsider the vote by which the amendment offered by Senator Schauer was adopted.

The motion prevailed.

The question being on the adoption of the amendment,

Senator Schauer withdrew the amendment.

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. 929

Yeas—36

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

Nays—1

Bishop

Excused—1

Olshove

Not Voting—0

In The Chair: President

The following bill was announced:

House Bill No. 6166, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 16i.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Hammerstrom moved to reconsider the vote by which the amendment offered by Senator Schauer was adopted.

The motion prevailed.

The question being on the adoption of the amendment,

Senator Schauer withdrew the amendment.

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. 930**Yeas—36**

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

Nays—1

Bishop

Excused—1

Olshove

Not Voting—0

In The Chair: President

The following bill was announced:

House Bill No. 6206, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” (MCL 125.271 to 125.310) by adding section 16i.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Hammerstrom moved to reconsider the vote by which the amendment offered by Senator Schauer was adopted.

The motion prevailed.

The question being on the adoption of the amendment,

Senator Schauer withdrew the amendment.

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. 931**Yeas—36**

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

Nays—1

Bishop

Excused—1

Olshove

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 1193, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 11 and 51a (MCL 388.1611 and 388.1651a), as amended by 2004 PA 351.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 932**Yeas—37**

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

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

The motion prevailed.

Senator Johnson's statement is as follows:

Throughout the years, I have had the opportunity to sit here as many of you have introduced to us staff members who have worked for you for years and served your offices well, and you bid them farewell. Unfortunately and fortunately, I have that opportunity today.

This young woman has worked for me for better than three years. Her name is Rebecca DeVoight. Many of you know Rebecca. She has been an outstanding and loyal employee. She handles my constituent work. She has become friends with many of my friends and neighbors back in the district, and they have grown to love her dearly. She does a thorough job and is a remarkable employee.

She's also become a very close friend and, as a matter of fact, just recently I had the opportunity to visit her little home over in East Lansing. It's not little actually; I pay her too well. She has a very nice home in East Lansing, and I had an opportunity to meet Rebecca's mom. Rebecca comes from a remarkable family and has a fantastic—and you guys would love, I mean, I wish I had the opportunity to just tell you a little bit about what I know of her, her mom, and her dad, and how they met, their lives together, and the farm that they run down in the Ann Arbor area.

Would you please bid a fine farewell to Rebecca. She is going to the House, of all things, from whence I came. Please welcome Rebecca to the chambers and say a fine farewell to her. I just hate losing her, but I am so darn proud of her. She's a spunky broad just like me.

Recess

Senator Hammerstrom moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 12:04 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

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

The motion prevailed, the time being 1:08 p.m.

1:16 p.m.

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

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

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 6337, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295.

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

1. Amend page 2, line 17, after "(1)." by striking out the balance of the subsection and inserting "**R 484.453(5), 484.455(2), 484.455(3), 484.457(3), and 484.458(4) of the Michigan administrative code may not be enforced until a court determines that the rules do not exceed the commission's authority under this act. It is the legislature's intent that providers voluntarily comply with the rules until a court makes a determination. A provider that voluntarily agrees to abide by the rules does not relinquish its rights to challenge the legality of the rules.**"

2. Amend page 2, line 22, after "**proceeding**" by inserting "**before the commission**".

3. Amend page 2, following line 24, by inserting:

"Enacting section 1. Section 213 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2213, is repealed effective July 1, 2005."

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

By unanimous consent the Senate returned to the order of
Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
Senate Bill No. 320
Senate Bill No. 267

Senate Bill No. 1063

Senate Bill No. 1066

Senate Bill No. 145

Senate Bill No. 1279

Senate Bill No. 953

Senate Bill No. 955

The motion prevailed.

The following messages from the Governor were received and read:

December 8, 2004

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

Board of Professional Engineers

Ms. M. Regine Beauboeuf of 1205 Windale Place, East Lansing, Michigan 48823, county of Ingham, succeeding Ralph Hodek, whose term has expired, representing professional engineers, for a term commencing December 8, 2004 and expiring March 31, 2008.

Ms. Karol L. Grove of 2665 Murray Hill, Hartland, Michigan 48353, county of Livingston, succeeding Victor Lukasavitz, Jr., whose term has expired, representing professional surveyors, for a term commencing December 8, 2004 and expiring March 31, 2008.

December 8, 2004

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Sections 301 and 2502 of the Occupational Code, 1980 PA 299, MCL 339.301 and 339.2502:

Board of Real Estate Brokers and Salespersons

Ms. Julia A. Tesanovich of HCRO 2, P.O. Box 758, L'Anse, Michigan 49946, county of Baraga, succeeding Scott Griffith, whose term has expired, representing real estate brokers and salespersons, for a term commencing December 8, 2004 and expiring June 30, 2008.

December 8, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. Duane E. Branch of 774 Timberly Lane, Gaylord, Michigan 49735, county of Otsego, reappointed to represent licensed master plumber securing permits, for a term expiring June 30, 2007.

December 8, 2004

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments 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. M. Regine Beauboeuf of 1205 Windale Place, East Lansing, Michigan 48823, county of Ingham, succeeding Ralph Hodek, whose term has expired, representing professional engineers, for a term commencing December 8, 2004 and expiring March 31, 2008.

Ms. Karol L. Grove of 2665 Murray Hill, Hartland, Michigan 48353, county of Livingston, succeeding Victor Lukasavitz, Jr., whose term has expired, representing professional surveyors, for a term commencing December 8, 2004 and expiring March 31, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 601, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 2002 PA 201.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

The House of Representatives requested the return of

Senate Bill No. 601, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 2002 PA 201.

Senator Hammerstrom moved that the request of the House of Representatives be granted.

The motion prevailed.

Senate Bill No. 184, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

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

The House of Representatives has passed the bill as substituted (H-1) 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 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. 933

Yeas—36

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

Nays—0

Excused—1

Olshove

Not Voting—1

Johnson

In The Chair: President

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

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

Senate Bill No. 1175, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2003 PA 183.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 934

Yeas—36

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

Nays—0

Excused—2

Johnson	Olshove
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Not Voting—0

In The Chair: President

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

Senate Bill No. 1176, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 395.
 The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 935

Yeas—36

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

Nays—0

Excused—2

Johnson	Olshove
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Not Voting—0

In The Chair: President

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

Senate Bill No. 1201, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 3 (MCL 125.1653), as amended by 1993 PA 323.

The House of Representatives has substituted (H-2) the bill.
 The House of Representatives has passed the bill as substituted (H-2) 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 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. 936**Yeas—36**

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

Nays—0**Excused—2**

Johnson Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1243, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 73.

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

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

A bill to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.1100) by adding section 74.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 937**Yeas—36**

Allen	Cherry	Hammerstrom	Sanborn
Barcia	Clark-Coleman	Hardiman	Schauer
Basham	Clarke	Jacobs	Scott
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	Emerson	Kuipers	Stamas
Bishop	Garcia	Leland	Switalski

Brater	George	McManus	Thomas
Brown	Gilbert	Patterson	Toy
Cassis	Goschka	Prusi	Van Woerkom

Nays—0

Excused—2

Johnson	Olshove
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Not Voting—0

In The Chair: President

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

Senator Johnson entered the Senate Chamber.

Senate Bill No. 1266, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 938

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1287, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 211a (MCL 750.211a), as amended by 2003 PA 257.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 939**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: President

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

Senate Bill No. 1288, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16k of chapter XVII (MCL 777.16k), as amended by 2001 PA 136.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 940

Yeas—37

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

Nays—0

Excused—1

Olshove

Not Voting—0

In The Chair: President

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

Senator Hammerstrom moved that Senators Johnson and Sikkema be temporarily excused from the balance of today’s session.

The motion prevailed.

Senate Bill No. 1416, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, and 171 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.147, 560.161, 560.162, 560.163, 560.164, 560.165, 560.166, 560.167, 560.168, 560.169, and 560.171), sections 117 and 169 as amended by 1998 PA 549, and by adding sections 112a and 167a; and to repeal acts and parts of acts.

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. 1458, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 14721, 14723, and 14724.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 2, after "**Sec. 14721.**" by inserting "**(1)**".

2. Amend page 1, following line 7, by inserting:

"**(2) This subpart may be cited as the "Mary Beth Doyle PBDE act".**".

3. Amend page 2, line 1, after "**to**" by inserting "**original equipment manufacturer replacement service parts or**".

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.

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 amendments made to the bill by the House,

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

Roll Call No. 941**Yeas—34**

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

Nays—0**Excused—3**

Johnson	Olshove	Sikkema
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Not Voting—1

Allen

In The Chair: President

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

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

The motion prevailed.

Senator Brater’s statement is as follows:

I very much appreciate the help of the good chair of the natural resources committee in helping me get this amendment added to the bill. Since the bill left the Senate and went to the House, Mary Beth Doyle, who is the principal advocate for this bill from the environmental community on behalf of the Ecology Center, was killed in a car accident. She was 43 years old. She was a very special person who worked very passionately on environmental issues. In addition in working for the Ecology Center, she had also worked for the Sierra Club.

She was a strong voice for better environmental health protection in Michigan. She worked most recently to enact legislation to ban brominated flame retardants. But she helped also to organize numerous legislative briefings on clean production and chemicals policy and was instrumental in the state environmental community’s development of the Don’t Trash Michigan campaign, which helped win legislation recently regarding landfilling in Michigan.

I just wanted to add she was widely known and respected by policymakers and regulators in Michigan, as well as activists and community leaders throughout the country. We mourn her premature loss, but we celebrate her many accomplishments in environmental and other issues.

House Bill No. 5763, entitled

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

(For text of amendment, see Senate Journal No. 107, p. 2374.)

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

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

Roll Call No. 942

Yeas—34

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

Nays—0

Excused—3

Johnson	Olshove	Sikkema
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Not Voting—1

Allen

In The Chair: President

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:10 p.m.

2:22 p.m.

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

During the recess, Senators Sikkema and Johnson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Cropsey 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. 6337

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

The following bill was read a third time:

House Bill No. 6337, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295.

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. 943**Yeas—36**

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

Nays—0**Excused—1**

Olshove

Not Voting—1

Emerson

In The Chair: Birkholz

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senator Patterson offered to amend the title to read as follows:

A bill to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Recess

Senator Sikkema moved that the Senate recess until 3:30 p.m.

The motion prevailed, the time being 2:30 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator Sanborn.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Schauer moved that Senators Barcia and Bernero be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Schauer moved that Senator Basham be excused from the balance of today's session.

The motion prevailed.

Senators Bernero and Barcia entered the Senate Chamber.

Senate Bill No. 231, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

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. 683, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 401 (MCL 330.1401), as amended by 1995 PA 290.

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

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 944**Yeas—36**

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

Nays—0**Excused—2**

Basham	Olshove
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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 full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 684, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 226 and 469a (MCL 330.1226 and 330.1469a), section 226 as amended by 2002 PA 595 and section 469a as added by 1996 PA 588, and by adding section 433.

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

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 945**Yeas—36**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer

Bernero	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brater	George	Leland	Switalski
Brown	Gilbert	McManus	Thomas
Cassis	Goschka	Patterson	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

Nays—0

Excused—2

Basham	Olshove
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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 full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 685, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

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

The House of Representatives has passed the bill as substituted (H-1) and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 946

Yeas—36

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

Nays—0

Excused—2

Basham

Olshove

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

Senate Bill No. 686, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a and 161 (MCL 330.1100a and 330.1161), as amended by 1998 PA 497, and by adding section 116a.

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

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 100a, 100b, and 161 (MCL 330.1100a, 330.1100b, and 330.1161), sections 100a and 161 as amended by 1998 PA 497 and section 100b as added by 1995 PA 290, and by adding section 116a.

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

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

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

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

Roll Call No. 947**Yeas—36**

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

Nays—0**Excused—2**

Basham

Olshove

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.

Senate Bill No. 735, entitled

A bill to amend 1996 PA 299, entitled “An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department,” by amending sections 1 and 3 (MCL 247.401 and 247.403).

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

The House of Representatives has passed the bill as substituted (H-1) 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 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. 948**Yeas—36**

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

Nays—0**Excused—2**

Basham Olshove

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. 925, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding section 51503b.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 12, after “to” by striking out the balance of the bill and inserting “**either of the following:**

(a) Prescribed burns conducted in compliance with section 51503b.

(b) Prescribed burns conducted by a federal agency or state agency on land that the agency is authorized to manage.”.

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.

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. 949

Yeas—36

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

Nays—0

Excused—2

Basham	Olshove
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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 full title.

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

Senate Bill No. 1202, entitled

A bill to provide for the establishment of a historical neighborhood tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of

indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 24, after "city" by inserting "or the supervisor of a township".
2. Amend page 4, line 2, after "city" by inserting "or township".
3. Amend page 13, line 1, after "the" by inserting "historic district commission for the historic district and the".
4. Amend page 19, line 21, after "authority" by inserting "In the event that the governing body levies a separate millage for public library purposes, at the request of the public library board, that separate millage shall be exempt from the capture".

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 amendments made to the bill by the House,

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

Roll Call No. 950

Yeas—36

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

Nays—0

Excused—2

Basham Olshove

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. 1344, 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," (MCL 722.111 to 722.128) by adding sections 2b, 2c, 2d, and 2e.

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

The House of Representatives has passed the bill as substituted (H-2) 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 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. 951**Yeas—36**

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

Nays—0**Excused—2**

Basham Olshove

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. 1441, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIA, (MCL 712A.19c), as amended by 2000 PA 46.

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. 1444, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, and 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

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. 1463, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 14, by inserting:

“Enacting section 1. This amendatory act takes effect January 2, 2005.”.

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.

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. 952

Yeas—29

Allen	Cropsey	Hardiman	Sanborn
Barcia	Emerson	Jelinek	Sikkema
Bernero	Garcia	Johnson	Stamas
Birkholz	George	Kuipers	Switalski
Bishop	Gilbert	Leland	Thomas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Clarke			

Nays—7

Brater	Clark-Coleman	Prusi	Scott
Cherry	Jacobs	Schauer	

Excused—2

Basham	Olshove
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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 full title.

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

Senate Bill No. 1464, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 953**Yeas—36**

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

Nays—0**Excused—2**

Basham	Olshove
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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 full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 850, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 283a.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 954**Yeas—36**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer

Bernero	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brater	George	Leland	Switalski
Brown	Gilbert	McManus	Thomas
Cassis	Goschka	Patterson	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

Nays—0

Excused—2

Basham	Olshove
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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 full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 851, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476).

The House of Representatives has substituted (H-5) the bill.

The House of Representatives has passed the bill as substituted (H-5) 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 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. 955

Yeas—36

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

Nays—0

Excused—2

Basham

Olshove

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. 1341, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 956**Yeas—36**

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

Nays—0**Excused—2**

Basham

Olshove

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

Senate Bill No. 591, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109h.
 The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 109i.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 957

Yeas—25

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jacobs	Sikkema
Bernero	George	Jelinek	Stamas
Birkholz	Gilbert	Johnson	Switalski
Bishop	Goschka	Kuipers	Thomas
Brown	Hammerstrom	McManus	Van Woerkom
Cassis			

Nays—11

Brater	Clarke	Patterson	Scott
Cherry	Emerson	Prusi	Toy
Clark-Coleman	Leland	Schauer	

Excused—2

Basham	Olshove
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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.

Senate Bill No. 1076, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 204 (MCL 330.1204), as amended by 1995 PA 290.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 204 and 216 (MCL 330.1204 and 330.1216), as amended by 1995 PA 290.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 958

Yeas—25

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jacobs	Sikkema
Bernero	George	Jelinek	Stamas
Birkholz	Gilbert	Johnson	Switalski
Bishop	Goschka	Kuipers	Thomas
Brown	Hammerstrom	McManus	Van Woerkom
Cassis			

Nays—11

Brater	Clarke	Patterson	Scott
Cherry	Emerson	Prusi	Toy
Clark-Coleman	Leland	Schauer	

Excused—2

Basham	Olshove
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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.

Senate Bill No. 1079, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as amended by 2002 PA 597.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 959

Yeas—24

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jacobs	Sikkema
Birkholz	George	Jelinek	Stamas
Bishop	Gilbert	Johnson	Switalski
Brown	Goschka	Kuipers	Thomas
Cassis	Hammerstrom	McManus	Van Woerkom

Nays—12

Bernero	Clark-Coleman	Leland	Schauer
Brater	Clarke	Patterson	Scott
Cherry	Emerson	Prusi	Toy

Excused—2

Basham	Olshove
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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 not concurred in, 2/3 of the members serving not voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Hammerstrom's statement is as follows:

These are the bills that deal with the Detroit-Wayne County mental health authority issue. I would like to, first of all, thank the people who worked so hard on this. It was not easy getting these bills through. I want to talk a little bit, first of all, about what the bills are not because there has been a lot of miscommunication. These bills were not meant to pit the city of Detroit against Wayne County. They are not an attempt to make the Wayne County executive look bad.

What the bills are are a proactive attempt to move Detroit-Wayne County community mental health in the direction requested by the federal government and granting our Medicaid 1915(b) and (c) waiver. That is a move to less bureaucracy and away from a sole source provider. This will provide more efficiency and result in more services for consumers.

Colleagues, we cannot afford to ignore this problem that we know exists. We cannot wait until the federal government tells us we have a problem. And most of all, the consumers of the Detroit-Wayne County community mental health system should not have to wait another day until we take this step toward giving them a system that works.

I understand that there have been some concerns about the bill that is before us for concurrence, Senate Bill No. 591, as to it being a local act. Because of that, I had asked for an opinion from the Legislative Service Bureau, and I would like to read that to you so that you know that this is not, in fact, a problem with this bill. "This memorandum is written in response to your question regarding clarification of the meaning of the phrases 'Effective October 1, 2005' and 'Beginning October 1, 2005.' It is my opinion that 'Effective October 1, 2005' and 'Beginning October 1, 2005' have the same draft meaning and legal effect. Both phrases serve as a condition to the language that follows them to apply to any entity that meets the criteria beginning on October 1, 2005 or that meets the criteria at any date after October 1, 2005."

The House and their substitute moved the starting date to October 1, 2005, and if you remember, we had language in the appropriations bill earlier this session that required the Department of Community Health to oversee any transaction in authority status. So they will be working with them to move them into that arena.

The substitute for Senate Bill No. 1076 adds language that will address a conflict of interest concern under the provision that no county or city employee can serve on the Detroit-Wayne County community health board.

The House substitute on Senate Bill No. 1079 is merely a technical change and simply struck the original tie-bar language that was in that bill.

I ask that you concur with all of the House substitutes.

Senator Hammerstrom moved that Senator Johnson be temporarily excused from the balance of today's session. The motion prevailed.

Senate Bill No. 756, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474b. The House of Representatives has substituted (H-2) the bill.

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

A bill to amend 1978 PA 368, entitled "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," (MCL 333.1101 to 333.25211) by adding sections 5474b and 5474c.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 960**Yeas—35**

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

Nays—0**Excused—3**

Basham	Johnson	Olshove
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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.

Senate Bill No. 908, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405 and 17763 (MCL 333.7405 and 333.17763), section 7405 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 214.

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

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

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

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

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

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

Roll Call No. 961**Yeas—35**

Allen	Clark-Coleman	Hardiman	Schauer
Barcia	Clarke	Jacobs	Scott
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	Emerson	Kuipers	Stamas
Bishop	Garcia	Leland	Switalski
Brater	George	McManus	Thomas
Brown	Gilbert	Patterson	Toy

Cassis
Cherry

Goschka
Hammerstrom

Prusi
Sanborn

Van Woerkom

Nays—0

Excused—3

Basham

Johnson

Olshove

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

Senate Bill No. 926, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as added by 1999 PA 66; and to repeal acts and parts of acts.

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 40111a and 42702 (MCL 324.40111a and 324.42702), section 40111a as added by 1999 PA 66 and section 42702 as amended by 2004 PA 325; and to repeal acts and parts of acts.

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

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

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

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

Roll Call No. 962

Yeas—35

Allen
Barcia
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—3

Basham

Johnson

Olshove

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.

Senator Johnson entered the Senate Chamber.

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

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

House Bill No. 4406

House Bill No. 4787

House Bill No. 4788

House Bill No. 5140

The motion prevailed.

The President pro tempore, Senator Birkholz, resumed the Chair.

The following bill was announced:

House Bill No. 4406, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14722 and 14725.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See p. 2454.)

The question being on the motion to reconsider the vote by which the bill was passed,

The motion prevailed, a majority of the Senators serving having voted 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. 963

Yeas—35

Allen
 Barcia
 Bernero
 Birkholz
 Bishop
 Brater
 Brown

Clark-Coleman
 Clarke
 Cropsey
 Emerson
 Garcia
 George
 Gilbert

Hardiman
 Jacobs
 Jelinek
 Johnson
 Leland
 McManus
 Patterson

Schauer
 Scott
 Sikkema
 Stamas
 Switalski
 Thomas
 Toy

Cassis
Cherry

Goschka
Hammerstrom

Prusi
Sanborn

Van Woerkom

Nays—0

Excused—2

Basham

Olshove

Not Voting—1

Kuipers

In The Chair: Birkholz

The Associate President pro tempore, Senator Barcia, assumed the Chair.

Senator Hammerstrom moved that Senator Kuipers be temporarily excused from the balance of today's session. The motion prevailed.

The following bill was announced:

House Bill No. 4787, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2455.)

The question being on the adoption of the amendment offered by Senator Birkholz,

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. 964

Yeas—34

Allen
Barcia
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Leland
McManus
Patterson
Prusi

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—1

Sanborn

Excused—3

Basham

Kuipers

Olshove

Not Voting—0

In The Chair: Barcia

Senator Kuipers entered the Senate Chamber.

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 state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments in lieu of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act.”

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 4788, entitled

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

(This bill was read a third time earlier today and consideration postponed. See p. 2455.)

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. 965**Yeas—35**

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

Nays—1

Sanborn

Excused—2

Basham Olshove

Not Voting—0

In The Chair: Barcia

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

The following bill was announced:

House Bill No. 5140, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774),
as amended by 2004 PA 396.

(This bill was read a third time earlier today and consideration postponed. See p. 2458.)

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. 966

Yeas—36

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

Nays—0

Excused—2

Basham Olshove

Not Voting—0

In The Chair: Barcia

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 provide for the development and rehabilitation of residential housing; to provide for the creation of
neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time

and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units;”.

The Senate agreed to the full title.

The President pro tempore, Senator Birkholz, resumed the Chair.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4187

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

By unanimous consent the Senate returned 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 pro tempore, Senator Birkholz, designated Senator Kuipers 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 bill:

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2701) by adding section 312c.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Messages from the House

The President, Lieutenant Governor Cherry, resumed the Chair.

Senate Bill No. 1130, entitled

A bill to amend 1978 PA 361, entitled “Michigan exposition and fairgrounds act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding section 15b.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 361, entitled “An act to provide for the control and management of certain state exposition centers and fairgrounds; to create a state exposition center and fairgrounds council; to prescribe its powers and duties; to provide for the appointment of a state exposition center and fairgrounds manager and to prescribe the manager’s powers and duties; to designate the method of financing state exposition centers and fairgrounds; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding sections 15 and 15b.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 967**Yeas—27**

Allen	Cherry	Jelinek	Schauer
Barcia	Cropsey	Johnson	Sikkema
Bernero	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Goschka	Patterson	Toy
Brown	Hammerstrom	Prusi	Van Woerkom
Cassis	Hardiman	Sanborn	

Nays—9

Brater	Emerson	Jacobs	Scott
Clark-Coleman	Garcia	Leland	Thomas
Clarke			

Excused—2

Basham	Olshove
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Not Voting—0

In The Chair: President

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

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

The motion prevailed.

Senator Jacobs' first statement is as follows:

I rise in opposition to this bill for a number of reasons. One, we have stripped the local control protections that we put in. There is no requirement that members of the authority include at least one resident of Hazel Park, Ferndale, and Detroit. As I have spoken on this floor before, these are the communities that either abut or that the State Fair grounds is in. I think that this is a huge mistake.

Most importantly, there is no prohibition on gaming at the State Fair with this authority. Now, Proposal 1, and listen up really carefully, Proposal 1 said that if there was going to be any expansion of gambling that there would have to be a vote of the people, except for the casinos and the Indian tribes that already are operating in Michigan.

My read is that there could be a satellite gaming venue for either the Indian tribes who maybe want to start another racetrack there or one of the casinos wants to open up at the State Fair grounds. My interpretation is we are allowing this to potentially happen. This is a very slippery slope, and I don't think we should be going down this road. I really urge my colleagues to think carefully before you make your vote on this bill.

Senator Thomas' statement is as follows:

Just to underscore the point of the colleague who previously spoke, when it comes to the issue of gaming, if you are opposed to gaming, yes, a Native American tribe can come and operate a casino at the State Fair grounds. Also please consider, if you are an adversary to gaming, there is an unused horse racing license at the State Fair grounds. So while many of us celebrated the passage of Proposal 1, it is entirely possible that an Indian tribe, a Native American tribe,

could open a racino at the Michigan State Fair grounds. In fact, there are currently applications pending with the horse racing commissioner to do just that.

Now, when this legislation passed the Senate, there was a strict prohibition against auto racing and a strict prohibition against gambling at this facility. I represent this community. The front door of the house I grew up in is one-quarter of a mile from the State Fair. We like, we enjoy, and we love the State Fair, but we enjoy the State Fair because it's a family park, and it's family entertainment. It's not a mecca for auto racing, it's not a mecca for horse racing, and it is not a mecca for gambling. It is a place for family entertainment two weeks out of the year for the State Fair grounds.

This legislation grossly opens the door for activities that are completely contradictory to the residential communities that surround this facility. These communities have been litigating with the state and with the city of Detroit for eight years, for our entire legislative career, all the way up to the Court of Appeals. These affected communities have been suing the state and local units of government to prevent these types of activities. And each time they have won, but why do we want to continue to open the door and force the local neighbors to have to go to court to simply stand up for their neighborhoods?

Now, another item that was stripped from this provision was an advisory council that was put in by the sponsor of the legislation to allow some local input by the residents. That was a fine first step. The chair of the committee, of the agricultural committee, worked very hard to ensure that there was some local input. That's been completely removed from this. Ultimately, what this bill is, this bill is now a vehicle appropriations bill, and that's fine; that's fine. We want to make sure that vendors who didn't get paid by the State Fair this year get paid. Certainly, we want to do that. We want to honor budgetary agreements. That's fine. Let it then be an appropriations bill. Let it not be a bill that so profoundly changes the way the Michigan State Fair is governed.

The purpose of the Wood-McInerny Commission, of which I served as a member, was to find a way to make the Michigan State Fair a viable, self-sustaining entity. This legislation does not do anything to ensure that it is a viable, self-sustaining entity. It does create an authority, but it gives the authority no authority whatsoever in terms of raising money, which was one of the key recommendations of the commission. It does transfer it to the Department of Management and Budget from the Agriculture Department, but so what? That simply means that the budget director instead of the agriculture director has final say over the appropriations. So the appropriations line items now come in a different budget than they came in before. That's not going to be a way to generate revenue. This is simply an appropriations boondoggle. Let it be an appropriations boondoggle, but let's then come back. Let's come back in the next legislative session and actually sit down deliberatively and work with those of us who live and represent the community in which you are playing. Let us come up cooperatively and actually find legislation that gets to self-sufficiency of the State Fair. Leave the appropriations intact, don't concur in this legislation, and remove the bits and pieces of the Wood-McInerny Commission that remain in here and do the right thing.

So I would hope that members would not concur, that they would legitimately and sincerely stand up for those of us who just quite simply want to live our lives in peace. We are tired of going to court over the State Fair. We want to support the State Fair, but you're giving us every opportunity to not support it, and that simply is not fair to those of us who live and work there.

Senator Cropsey's statement is as follows:

I rise to talk on this issue. I tried to get the premiums paid by a different bill. I'm glad to see the House of Representatives has put this in. I would urge that we would adopt the House amendments.

You know, you talk about a boondoggle. The boondoggle is the administration of the State Fair that decides they don't have to pay the premium to the 4-H kids who go down there and exhibit, that they don't have to pay the vendors. Guess who is getting blamed for it? We are getting blamed for it. I'm getting phone calls to my office that ought to probably be going to the Governor's office or to the administrator of the State Fair, which are saying, "Why aren't you guys paying your bills?" The question becomes to the State Fair people, "Why aren't you paying the bills?"

We are getting the phone calls, and I'm sick and tired of it. Who is the State Fair manipulating? They are manipulating our 4-H kids. We had a phone call today or yesterday into my office. A fellow who is supposed to be getting \$1,000, he's out of work. He did some work down there at the State Fair. He wants to go back to college, and he can't get the \$1,000 that he needs to go back to college because of the mess that the State Fair is in.

I'm sick and tired of having to answer these phone calls when it is not my fault, but the administration's fault. I hope we adopt these amendments. I hope we send this to the Governor, put it right in the Governor's lap, and tell the Governor to pay the bills like they are supposed to be paid.

Senator VanWoerkom's statement is as follows:

I would like to address a couple of issues that have come up in this. The one being the local control issue; the local advisory council is still in this bill. It's in section 15(b). That council has not been dropped out of the bill. That council

is required to meet with the authority once a year and give their input to that authority. It's also our intention to have people on that authority who are sensitive to the people in the area. We do advise and consent, and we are determined to make sure that those people who are appointed are people who do have a sensitivity to the neighborhoods around them. We, as a state, don't want to be a bad neighbor to the people who are around us.

The second issue that I wanted to address is the gaming issue. I do believe we are protected by the proposal. I believe the tribe would have to own land; we own that land. It would be up to us to sell that land to a tribe, I believe, before they could establish anything on those fairgrounds. I believe we are protected on that one as well, and I urge you to concur with the House substitute.

Senator Brown's statement is as follows.

I do speak in support of the House substitute, and just to let the members know, there were a number of changes that have been made in the House substitute. Essentially, Senate Bill No. 1130 will move the oversight of the Michigan State Fair from the Department of Agriculture to the Department of Management and Budget, as recommended by the Wood-McInerney report commissioned by Governor Granholm.

Additionally, as recommended by the report, the bill would establish a State Exposition and Fairgrounds Authority which would oversee the State Fair. Senate Bill No. 1130 also requires that the fair submit to the Legislature and Governor a five-year operational and facility construction plan.

Finally, Madam President, Senate Bill No. 1130 authorizes the fair—this is a new inclusion—to allocate \$625,000 to pay some 1,500 premium recipients and vendors around the state past due from this summer's fair. To be clear, the authorizing language specifies that premium recipients will be paid first from this allocation. This authorization allows for payment from existing funds the fair has earned and has on hand, not money shifted from the Department of Agriculture or new money appropriated from the General Fund.

I must tell members, and this is in order to be compliant with target agreements, this is an agreement that both chambers' leaderships have agreed to and also the Governor. This bill includes an appropriation of \$192,000 to Lake Superior State University as part of target agreements. Initially, this was part of the capital outlay.

Madam President, I do ask members to concur in the House substitute.

Senator Brater's statement is as follows:

I know this has been a long process, and it's the eleventh hour for this bill, so it's unfortunate we have to get into this controversial subject at this point. I do feel I would like to rise, first of all, to support my colleagues from the 4th and the 14th Districts who have worked so hard on behalf of their constituents who are directly affected by the presence of the State Fair in their neighborhoods. I think they've aptly expressed their willingness to work with everybody involved to make a situation that works both for the fair and for the neighborhood.

I do want to respond to the comments talking about the inability to fund things like 4-H and other things related to the fair. First of all, from the beginning, there has been a premise that the fair should be self-supporting. Well, this is a very unusual idea. Most states do support their state fair. It is a state activity, it supports agriculture, and it is a function of state government. So I'm not quite sure where this idea arose that the State Fair had to be self-supporting.

Be that as it may, by passing this legislation, you will have the exact opposite effect. You will be establishing an authority which will basically make the fair autonomous, so that where as now it is a carnival to the Governor and the Legislature. If you adopt this bill, there will no longer be any accountability for the very spending that you are asking the State Fair to account for. So I think for that reason alone, you should vote against this legislation.

Senator Jacobs' second statement is as follows:

Just in response to the good Senator from the 34th District. While the citizens advisory council is included, the make-up of that council was stripped out. So no longer will there be in law a provision that says someone from Detroit, Hazel Park, and Ferndale sit on that council. Intent is all well and good, but unless it's spelled out, we have no security that that is going to happen. If we really care about those communities, then we shouldn't be stripping this out.

So I know we are always told to trust the process, but unfortunately, the process is sometimes what gets us into trouble.

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 at the head of the Third Reading of Bills calendar:

House Bill No. 4187

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

The following bill was read a third time:

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

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. 968

Yeas—36

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

Nays—0

Excused—2

Basham	Olshove
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Not Voting—0

In The Chair: President

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

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

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

"An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date."

The Senate agreed to the full title.

Recess

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

The motion prevailed, the time being 5:42 p.m.

6:03 p.m.

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

The President, Lieutenant Governor Cherry, resumed the Chair.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Concurrent Resolution No. 40

Senate Resolution No. 305

The motion prevailed.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 48.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 9, 2004, it stands adjourned until Wednesday, December 29, 2004, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 29, 2004, it stands adjourned without day.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 1185, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 10, after "**and**" by inserting "**any previous years, but not to exceed**".

2. Amend page 2, line 17, after "**and**" by inserting "**any previous years, but not to exceed**".

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.

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 amendments made to the bill by the House,

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

Roll Call No. 969

Yeas—22

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

Nays—13

Barcia	Clark-Coleman	Leland	Scott
Bernero	Emerson	Prusi	Switalski

Brater
Cherry

Jacobs

Schauer

Thomas

Excused—2

Basham

Olshove

Not Voting—1

Clarke

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not 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. 929, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3140, 3240, 6062, and 6066 (MCL 600.3140, 600.3240, 600.6062, and 600.6066), section 3240 as amended by 2000 PA 380; and to repeal acts and parts of acts.

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 2567, 3140, 3240, 6062, and 6066 (MCL 600.2567, 600.3140, 600.3240, 600.6062, and 600.6066), section 2567 as amended by 2002 PA 698 and section 3240 as amended by 2000 PA 380; and to repeal acts and parts of acts.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 970**Yeas—35**Allen
Barcia
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
CherryClark-Coleman
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
HardimanJacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Patterson
Prusi
SanbornSchauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Basham

Olshove

Not Voting—1

Clarke

In The Chair: President

Senator Schauer moved that Senator Clarke be excused from the balance of today's session.
The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not 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.

Senate Bill No. 930, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending section 3 (MCL 205.203), as amended by 1993 PA 54.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 971

Yeas—35

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

Nays—0

Excused—3

Basham

Clarke

Olshove

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not 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. 931, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 48i and 49j (MCL 125.1448i and 125.1449j), section 48i as added by 1981 PA 173 and section 49j as amended by 1993 PA 221.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 972**Yeas—35**

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

Nays—0**Excused—3**

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not 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. 1440, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIA (MCL 712A.19), as amended by 1998 PA 530.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 12, after "that" by striking out "as long as" and inserting "**for the first year that**".
2. Amend page 4, line 3, after "**or**" by inserting "**is**".

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.

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 amendments made to the bill by the House,

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

Roll Call No. 973**Yeas—35**

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

Nays—0**Excused—3**

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2001 PA 31.

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.

House Bill No. 6235, entitled

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

The House of Representatives has amended the Senate substitute (S-1) as follows:

- 1. Amend page 7, line 27, after “(d)” by striking out “Not” through “usage.” on line 4 of page 8.
- 2. Amend page 9, following line 17, by inserting:

“Sec. 16908c. (1) A person who sells new tires at retail in the normal course of business shall collect a tire disposal surcharge of 75 cents for each new tire sold. The person shall forward revenue collected under this section to the state treasurer in the manner required by the state treasurer for deposit in the fund.

(2) Of the funds collected under subsection (1), two-thirds shall be used for capital expenditure grants.

(3) Subsection (1) does not apply to the sale of a retreaded tire or a tire sold as part of a vehicle to which the tire is attached.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended, ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496, and by adding section 16908c.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

Senator Sikkema offered the following amendment to the House amendments:

- 1. Amend House Amendment No. 2, page 9, following line 17, after “(1)” by striking out “A” and inserting “**Until 2 years after the effective date of the amendatory act that added this section, a**”.

The amendment to the amendments was adopted.

The question being on concurring in the House amendments to the Senate substitute, as amended,

The amendments were not concurred in, a majority of the members serving not voting therefore, as follows:

Roll Call No. 974

Yeas—3

Brater	Emerson	Sikkema
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Nays—31

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

Excused—3

Basham	Clarke	Olshove
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Not Voting—1

McManus

In The Chair: President

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:35 p.m.

6:40 p.m.

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

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

House Bill No. 5467, 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 3 and 3a (MCL 551.103 and 551.103a), section 3 as amended by 1984 PA 346 and section 3a as amended by 1989 PA 270.

(For text of amendments, see Senate Journal No. 106, p. 2337.)

The question being on concurring in the House amendments made to the Senate substitute,

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

Roll Call No. 975**Yeas—22**

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

Nays—12

Barcia	Clark-Coleman	Johnson	Scott
Brater	Hammerstrom	Leland	Switalski
Cherry	Jacobs	Prusi	Thomas

Excused—3

Basham	Clarke	Olshove
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Not Voting—1

Emerson

In The Chair: President

House Bill No. 5469, 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,” (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 1, line 7, after “(1)” by striking out “If” and inserting “**For tax years that begin after December 31, 2005, if**”.

2. Amend page 2, line 4, by striking out all of enacting section 1 and renumbering the remaining enacting section.

3. Amend page 2, line 7, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5468.

(c) House Bill No. 5470.

(d) House Bill No. 5471.

(e) House Bill No. 5473.

(f) House Bill No. 5474.

(g) Senate Bill No. 959.

(h) Senate Bill No. 961.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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.

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

The motion prevailed.

The question being on concurring in the House amendments made to the Senate substitute,

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

Roll Call No. 976**Yeas—21**

Allen
Bernero
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka

Hardiman
Jelinek
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—13

Barcia
Brater

Hammerstrom
Jacobs

Leland
Prusi

Scott
Switalski

Cherry
Clark-Coleman

Johnson

Schauer

Thomas

Excused—4

Basham

Clarke

Emerson

Olshove

Not Voting—0

In The Chair: President

Protest

Senator Switalski, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to the Senate substitutes for House Bill Nos. 5467 and 5469 and moved that the statement he made during the discussion of House Bill No. 5467 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Switalski’s statement is as follows:

I’m sorry to see that all of these bills are tie-barred together because I think they are clearly distinguishable as a group, and I think the votes the first time we had them indicate that. I look at this rather simply. You’ve got a series of bills putting requirements on people who are going to get married. What are people asking for when they go to get married? They are asking for the state to record their union. Okay, they’ve been getting married for thousands of years, and that’s all they want is for the state to recognize that they have been married.

However, there is another group of bills that involve divorce and putting requirements on people before they go through a divorce. What people are asking for from the state then is certainly more substantial. They are asking for the state to oversee the division of their property, the disbursement of funds, their visitation of their children, and management of that process for 18 years or more, which is a very significant role for this state to play in their lives.

I think those bills that ask for them to get some pre-divorce counseling seems pretty reasonable for what they are asking for from the state to be distinguished from the bills about what they are asking for from marriage. So I wish we could vote on them separately and treat them separately on their own merits, but by tie-barring them all together, we are not able to make those distinctions. So I think if people really wanted to see any of this package go into law, they should break those tie-bars.

House Bill No. 5468, entitled

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 263.

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

1. Amend page 2, line 10, after “unless” by striking out the balance of enacting section 1 and inserting “all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5467.
- (b) House Bill No. 5469.
- (c) House Bill No. 5470.
- (d) House Bill No. 5471.
- (e) House Bill No. 5473.
- (f) House Bill No. 5474.
- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.

- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.”.

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

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 House amendment made to the Senate substitute,

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

Roll Call No. 977

Yeas—21

Allen	Cassis	Goschka	Patterson
Barcia	Cropsey	Hardiman	Sanborn
Bernero	Garcia	Jelinek	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Toy
Brown			

Nays—13

Brater	Jacobs	Prusi	Switalski
Cherry	Johnson	Schauer	Thomas
Clark-Coleman	Leland	Scott	Van Woerkom
Hammerstrom			

Excused—4

Basham	Clarke	Emerson	Olshove
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Not Voting—0

In The Chair: President

House Bill No. 5470, entitled

A bill to amend 1846 RS 84, entitled “Of divorce,” (MCL 552.1 to 552.45) by adding section 5.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 5, line 13, after “October 1,” by striking out “2004” and inserting “2005”.
2. Amend page 5, following line 13, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 959.
- (b) Senate Bill No. 961.
- (c) Senate Bill No. 963.
- (d) Senate Bill No. 964.
- (e) Senate Bill No. 966.
- (f) House Bill No. 5467.
- (g) House Bill No. 5468.
- (h) House Bill No. 5469.
- (i) House Bill No. 5471.

- (j) House Bill No. 5473.
 (k) House Bill No. 5474.”.

The House of Representatives has concurred in the Senate substitute (S-3) as amended.
 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 House amendments made to the Senate substitute,

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

Roll Call No. 978**Yeas—22**

Allen	Cassis	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Sikkema
Bernero	Garcia	Kuipers	Stamas
Birkholz	George	McManus	Switalski
Bishop	Gilbert	Patterson	Toy
Brown	Goschka		

Nays—12

Brater	Emerson	Johnson	Scott
Cherry	Hammerstrom	Prusi	Thomas
Clark-Coleman	Jacobs	Schauer	Van Woerkom

Excused—3

Basham	Clarke	Olshove
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Not Voting—1

Leland

In The Chair: President

House Bill No. 5471, entitled

A bill to amend 1970 PA 91, entitled “An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 722.24), as amended by 1998 PA 482.

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

1. Amend page 3, line 1, after “October 1,” by striking out “2004” and inserting “2005”.
2. Amend page 3, line 3, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5467.
- (b) House Bill No. 5468.
- (c) House Bill No. 5469.
- (d) House Bill No. 5470.
- (e) House Bill No. 5473.
- (f) House Bill No. 5474.

- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.”.

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

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 House amendments made to the Senate substitute,

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

Roll Call No. 979

Yeas—26

Allen	Cropsey	Kuipers	Sikkema
Barcia	Garcia	McManus	Stamas
Bernero	George	Patterson	Switalski
Birkholz	Gilbert	Prusi	Thomas
Bishop	Goschka	Sanborn	Toy
Brown	Hardiman	Schauer	Van Woerkom
Cassis	Jelinek		

Nays—9

Brater	Emerson	Jacobs	Leland
Cherry	Hammerstrom	Johnson	Scott
Clark-Coleman			

Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

House Bill No. 5473, 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 section 4 (MCL 551.104).

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

1. Amend page 2, line 14, after “October 1,” by striking out “2004” and inserting “2005”.
2. Amend page 2, line 16, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5467.
- (b) House Bill No. 5468.
- (c) House Bill No. 5469.
- (d) House Bill No. 5470.
- (e) House Bill No. 5471.

- (f) House Bill No. 5474.
- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.”.

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

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 House amendments made to the Senate substitute,

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

Roll Call No. 980

Yeas—25

Allen	Cropsey	Jelinek	Sikkema
Barcia	Garcia	Kuipers	Stamas
Bernero	George	McManus	Switalski
Birkholz	Gilbert	Patterson	Thomas
Bishop	Goschka	Sanborn	Toy
Brown	Hardiman	Schauer	Van Woerkom
Cassis			

Nays—10

Brater	Emerson	Johnson	Prusi
Cherry	Hammerstrom	Leland	Scott
Clark-Coleman	Jacobs		

Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

House Bill No. 5474, entitled

A bill to amend 1978 PA 368, entitled “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," by amending section 16905 (MCL 333.16905), as added by 1995 PA 126.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 3, line 24, after "attorney," by striking out the balance of the line through "technician," on line 25.
2. Amend page 4, line 1, after "counselor," by striking out the balance of the line and inserting "school counselor, or until July 1, 2005, social worker, certified social worker, or social work technician, and beginning July 1, 2005, a social worker, licensed master's social worker, licensed bachelor's social worker, or social service technician as prescribed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838."
3. Amend page 4, line 3, after "October 1," by striking out "2004" and inserting "2005".
4. Amend page 4, line 5, after "unless" by striking out the balance of the enacting section and inserting "all of the following bills of the 92nd Legislature are enacted into law:
 - (a) Senate Bill No. 959.
 - (b) Senate Bill No. 961.
 - (c) Senate Bill No. 963.
 - (d) Senate Bill No. 964.
 - (e) Senate Bill No. 966.
 - (f) House Bill No. 5467.
 - (g) House Bill No. 5468.
 - (h) House Bill No. 5469.
 - (i) House Bill No. 5470.
 - (j) House Bill No. 5471.
 - (k) House Bill No. 5473."

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title as amended.

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 House amendments made to the Senate substitute,

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

Roll Call No. 981

Yeas—32

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

Nays—3

Emerson	Hammerstrom	Johnson
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Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

Senate Bill No. 959, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16901 and 16903 (MCL 333.16901 and 333.16903), as added by 1995 PA 126.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 2, after “October 1,” by striking out “2004” and inserting “2005”.
2. Amend page 4, line 4, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5467.
- (b) House Bill No. 5468.
- (c) House Bill No. 5469.
- (d) House Bill No. 5470.
- (e) House Bill No. 5471.
- (f) House Bill No. 5473.
- (g) House Bill No. 5474.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.”.

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.

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 amendments made to the bill by the House,

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

Roll Call No. 982**Yeas—32**

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

Nays—3

Emerson	Hammerstrom	Johnson
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Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

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

Senate Bill No. 961, 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,” (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 7, after “(1)” by striking out “If” and inserting “For tax years that begin after December 31, 2005, if”.

2. Amend page 2, line 2, by striking out all of enacting section 1 and renumbering the remaining enacting section.

3. Amend page 2, line 5, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

(a) House Bill No. 5467.

(b) House Bill No. 5468.

(c) House Bill No. 5469.

(d) House Bill No. 5470.

(e) House Bill No. 5471.

(f) House Bill No. 5473.

(g) House Bill No. 5474.

(h) Senate Bill No. 959.

(i) Senate Bill No. 963.

(j) Senate Bill No. 964.

(k) Senate Bill No. 966.”.

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 amendments made to the bill by the House,

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

Roll Call No. 983

Yeas—21

Allen	Cassis	Goschka	Patterson
Barcia	Cropsey	Hardiman	Sanborn
Bernero	Garcia	Jelinek	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Toy
Brown			

Nays—14

Brater	Hammerstrom	Prusi	Switalski
Cherry	Jacobs	Schauer	Thomas
Clark-Coleman	Johnson	Scott	Van Woerkom
Emerson	Leland		

Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 963, 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 section 4 (MCL 551.104).

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 15, after “October 1,” by striking out “2004” and inserting “2005”.
2. Amend page 2, line 17, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 959.
- (b) Senate Bill No. 961.
- (c) Senate Bill No. 964.
- (d) Senate Bill No. 966.
- (e) House Bill No. 5467.
- (f) House Bill No. 5468.
- (g) House Bill No. 5469.
- (h) House Bill No. 5470.
- (i) House Bill No. 5471.
- (j) House Bill No. 5473.
- (k) House Bill No. 5474.”.

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 amendments made to the bill by the House,

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

Roll Call No. 984**Yeas—25**

Allen	Cropsey	Jelinek	Sikkema
Barcia	Garcia	Kuipers	Stamas
Bernero	George	McManus	Switalski
Birkholz	Gilbert	Patterson	Thomas
Bishop	Goschka	Sanborn	Toy
Brown	Hardiman	Schauer	Van Woerkom
Cassis			

Nays—10

Brater	Emerson	Johnson	Prusi
Cherry	Hammerstrom	Leland	Scott
Clark-Coleman	Jacobs		

Excused—3

Basham

Clarke

Olshove

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 964, 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 the title and section 2 (MCL 551.102), as amended by 1998 PA 333, and by adding sections 2a and 2b.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 17, after the second “or” by inserting a comma and “until July 1, 2005,”.
2. Amend page 4, line 20, after “333.18838” by inserting a comma and “or, beginning July 1, 2005, a social worker, licensed master’s social worker, licensed bachelor’s social worker, or social service technician as prescribed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838”.
3. Amend page 5, line 4, after “October 1,” by striking out “2004” and inserting “2005”.
4. Amend page 5, line 6, after “unless” by striking out the balance of the enacting section and inserting “all of the following bills of the 92nd Legislature are enacted into law:
 - (a) House Bill No. 5467.
 - (b) House Bill No. 5468.
 - (c) House Bill No. 5469.
 - (d) House Bill No. 5470.
 - (e) House Bill No. 5471.
 - (f) House Bill No. 5473.
 - (g) House Bill No. 5474.
 - (h) Senate Bill No. 959.
 - (i) Senate Bill No. 961.
 - (j) Senate Bill No. 963.
 - (k) Senate Bill No. 966.”.

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 amendments made to the bill by the House,

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

Roll Call No. 985**Yeas—23**

Allen
Barcia
Bernero
Birkholz
Bishop
Brown

Cassis
Cropsey
Garcia
George
Gilbert
Goschka

Hardiman
Jelinek
Kuipers
McManus
Patterson
Sanborn

Schauer
Sikkema
Stamas
Toy
Van Woerkom

Nays—12

Brater	Emerson	Johnson	Scott
Cherry	Hammerstrom	Leland	Switalski
Clark-Coleman	Jacobs	Prusi	Thomas

Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 966, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7a (MCL 722.27a), as amended by 1996 PA 19.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 11, after "October 1," by striking out "2004" and inserting "2005".
2. Amend page 7, line 13, after "unless" by striking out the balance of the enacting section and inserting "all of the following bills of the 92nd Legislature are enacted into law:
 - (a) House Bill No. 5467.
 - (b) House Bill No. 5468.
 - (c) House Bill No. 5469.
 - (d) House Bill No. 5470.
 - (e) House Bill No. 5471.
 - (f) House Bill No. 5473.
 - (g) House Bill No. 5474.
 - (h) Senate Bill No. 959.
 - (i) Senate Bill No. 961.
 - (j) Senate Bill No. 963.
 - (k) Senate Bill No. 964."

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.

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 amendments made to the bill by the House,

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

Roll Call No. 986**Yeas—26**

Allen	Cropsey	Kuipers	Sikkema
Barcia	Garcia	McManus	Stamas
Bernero	George	Patterson	Switalski
Birkholz	Gilbert	Prusi	Thomas

Bishop
Brown
Cassis

Goschka
Hardiman
Jelinek

Sanborn
Schauer

Toy
Van Woerkom

Nays—9

Brater
Cherry
Clark-Coleman

Emerson
Hammerstrom

Jacobs
Johnson

Leland
Scott

Excused—3

Basham

Clarke

Olshove

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not 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. 72, entitled

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

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 not concurred in, 2/3 of the members serving not voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 517, entitled

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

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. 601, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 2002 PA 201.

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

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

A bill to amend 1909 PA 279, entitled "An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by

cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates," by amending section 3 (MCL 117.3), as amended by 2003 PA 303.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 987

Yeas—35

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

Nays—0

Excused—3

Basham	Clarke	Olshove
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Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 727, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

(For Conference Report, see Senate Journal No. 107, p. 2422.)

The House of Representatives has adopted the report of the Committee of Conference.

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

Senate Bill No. 978, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2004 PA 108.

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. 1103, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2003 PA 139.

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 Senate agreed to the full title.

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

Senate Bill No. 1148, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43536a (MCL 324.43536a), as amended by 2003 PA 4.

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. 1150, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3519, 3523, 3529, 3533, 3569, and 3571 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3533, 500.3569, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3523 and 3529 as amended by 2002 PA 304, and sections 3533, 3569, and 3571 as added by 2000 PA 252.

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. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

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. 1278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; and to repeal acts and parts of acts.

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. 1317, entitled

A bill to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission.

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. 1319, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 1, 5, and 6 (MCL 400.231, 400.235, and 400.236), section 1 as amended by 2002 PA 564, section 5 as amended by 1998 PA 112, and section 6 as added by 1999 PA 161.

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. 1321, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

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

Senator Hammerstrom moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not 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. 1409, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending section 3 (MCL 24.403) and by adding section 6.

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. 1465, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

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. 1466, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

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. 1467, entitled

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

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. 1468, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

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. 1469, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

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. 1470, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

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. 1471, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

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. 1472, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 415 (MCL 330.1415), as amended by 1995 PA 290.

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. 1366, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

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 returned to the order of

Motions and Communications

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4231

The motion prevailed.

Recess

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

The motion prevailed, the time being 7:49 p.m.

8:00 p.m.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Cropsey's statement is as follows:

Seeing as we are getting close to the final minutes before we adjourn, I just wanted to make a couple of observations. We have done approximately 120 bills and resolutions today, so it has been a very productive day. I think for the people of the state of Michigan it's probably been a very scary day when you have the Legislature that active. But nonetheless, we've done it. I think as we approach the holiday season, the Christmas season, we need to keep in mind, I believe it was Tuesday of this week we had a President who came into office in Afghanistan. Hamad Karzai was sworn in as President, so we had a President of another free nation that joined our world. I think it is important to remember that our military had a tremendous amount to do, our executive office had a tremendous amount to do with that, and having a nation that just three years ago, if you went into that nation, you would have gone into the main arena, the soccer stadium in Kabul, and it actually had been converted into a public execution arena for those who violated the law. Young girls were prohibited from being taught to read or write in that land. Now three years later, they have installed a democratically-elected representative government because of what the United States has stood for. So there is great cause for rejoicing not only in America, but also in Afghanistan.

As we take a look at it and we take a look at the freedoms we have in this nation—we've worked an extra lengthy day today—I think it is important to remember there are many countries around the world where they don't have this freedom, where they don't have the freedom to go and celebrate Christmas or Hanukkah or whatever their religious belief is. They don't have that freedom, but we do. It does come at a high price at times, and we are just thankful for the people who have paid that price.

With that, I would like to wish everyone a Merry Christmas.

Senator Cherry's statement is as follows:

Earlier today, I had the pleasure to introduce to you and members of the chamber Jason Zimmerman, and I would just like to speak about him a little bit and his act of bravery.

We pay tribute to Jason Zimmerman for his selfless act of bravery in rescuing Julia Serda, Ebony Burroughs, and Claudia Olmos from the freezing Clinton River. Although Jason did not seek personal recognition, this modest young man's extraordinary actions require us to recognize his heroic character.

On November 12, 2004, as if guided by fate, Jason Zimmerman was driving down a road off of which only moments before a car of teenage girls had swerved. Demonstrating a great measure of compassion and an even greater measure of humanitarianism, Jason dove into the water and swam to the sinking car, enduring both the cold night air and water. Before emergency personnel were able to respond, Jason had brought each of the three girls to the safety of the shore.

In a world of more than six billion people, it is sometimes easy to overlook the power of one. While no great deed has ever been undertaken in a bliss of certainty, Jason Zimmerman's actions demonstrate beyond a doubt the goodness inherent to human nature. Indeed, this guardian angel has become a source of great pride to his family, his community, and our state. Through his benevolent actions, Jason serves as an example to all of us of the need to re-attain our own commitment to the compassionate, life-affirming act of treating everyone with dignity and respect.

Therefore, we would like to thank and honor Jason Zimmerman. We are all indebted to him for his brave and heroic act. May he and his family know of our gratitude and best wishes for all of his future endeavors.

Senator Sikkema's statement is as follows:

Since we have a couple of minutes here while we are waiting for this last piece of legislation, I wanted to take an opportunity to thank all of the members for the last two years of work. It's been a very fast two years, but I think a productive two years, and from my perspective, it has been wonderful. I apologize to the members for the times I get angry and maybe say bad things. All in all, I think it has really been a great two years. I think one of the unique features of the Michigan Senate is we work a little closer together than the other body, we are a smaller chamber, obviously, committees are smaller, and I think it requires a level of respect for each other, a level of courtesy, and level of reflecting of what it is like to walk in the other person's shoes. I hope we can continue to act that way as we turn the calendar into January and start a new two-year session. I certainly wish happy holidays and a restful few weeks for everybody. I hope on January 12th you come back ready to work.

Senator Scott's statement is as follows:

As we finally conclude this legislative session, I would like to reiterate once again the need for this body to address the rising costs of insurance rates. I have stated for many months that increasing insurance costs are threatening the economic security of Michigan's citizens, and it is time we enact meaningful and effective insurance reform.

It is my hope that my colleagues would take some time over the holidays to really think about this issue and the impact it is having on our citizens. The fact remains that as long as insurance continues to be excessive, more and more people will choose not to obtain coverage—can't afford it. Without reform, Michigan will continue to have the twin problems of spiraling auto insurance costs and homeowners and a rising number of uninsured drivers.

Please be assured that I will remain committed to resolving the problems associated with the current insurance system in the new year. I look forward to working with my colleagues on developing meaningful public policy that will make insurance more accessible and affordable.

So I just want to wish my colleagues happy holidays and just know when we come back, it will be insurance time. Happy holidays and have a safe one for you and your families.

Senator Switalski's statement is as follows:

I rise to offer you all a song in the spirit of Christmas. Besides, its cheaper than sending out cards. I ask your forgiveness in advance, with further apologies to the late great Senate crooner, George Hart.

I saw Kenny kissing Jenny G

Underneath the Cap'tol Dome last night.

Bob didn't see us sneak

Out the Caucus room to peek.

Thought Shirley'd locked us in Approps to cut the budgets deep.

Some Dems were hopeful Jenny'd right all wrongs.

Six years in minority gets old.

Ken's colleagues on the right

Wanted him to pick a fight.

But fightin's only fun when there's some kissin' in the end.

Elephants and Donkeys often clash.
 It is just the nature of the beasts.
 House members on the floor
 Can't conceive that less is more.
 The Senate session's done before the House comes on the floor.

Now we've been broke a good 4 years or so.
 Can't hit people with a tax hike now.
 So smokers took some shots,
 And the gamblers on the slots,
 But *Early County Mill Collection* ain't a tax increase.

So when you go home to your family now,
 Thank our leaders for the job they've done.
 Oh, what a laugh it would have been,
 Had Perricone only seen
 Kenny kissing Jenny G last night.

By unanimous consent the Senate returned to the order of
Messages from the House

The House of Representatives returned, in accordance with the request of the Senate
House Bill No. 4231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, 252e, 252f, and 252g (MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76, and by adding section 252h; and to repeal acts and parts of acts.

The bill was placed on the order of Third Reading of Bills.

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

The following bill was announced:

House Bill No. 4231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 14, 248, 249, 252a, 252b, 252d, 252e, 252f, 307, 310, 319b, 319g, 320a, and 732 (MCL 257.14, 257.248, 257.249, 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, 257.307, 257.310, 257.319b, 257.319g, 257.320a, and 257.732), sections 248 and 249 as amended by 2002 PA 642, section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e and 252f as added by 1981 PA 104, section 252d as amended by 2000 PA 76, sections 307, 319b, 320a, and 732 as amended by 2004 PA 362, section 310 as amended by 2003 PA 152, and section 319g as added by 2002 PA 534, and by adding sections 79e and 252h; and to repeal acts and parts of acts.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Gilbert offered the following amendments:

1. Amend page 35, line 5, by striking out all of section 307.
2. Amend page 76, line 5, after "249," by striking out "307,".
3. Amend page 76, line 7, after "257.249," by striking out "257.307,".

The amendments were 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. 988

Yeas—34

Allen
 Barcia

Clark-Coleman
 Cropsey

Jelinek
 Johnson

Schauer
 Scott

Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Patterson	Thomas
Brown	Hammerstrom	Prusi	Toy
Cassis	Hardiman	Sanborn	Van Woerkom
Cherry	Jacobs		

Nays—1

Emerson

Excused—3

Basham

Clarke

Olshove

Not Voting—0

In The Chair: Birkholz

Senator Gilbert offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 14, 248, 249, 252a, 252b, 252d, 252e, 252f, 310, 319b, 319g, 320a, and 732 (MCL 257.14, 257.248, 257.249, 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, 257.310, 257.319b, 257.319g, 257.320a, and 257.732), sections 248 and 249 as amended by 2002 PA 642, section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e and 252f as added by 1981 PA 104, section 252d as amended by 2000 PA 76, sections 319b, 320a, and 732 as amended by 2004 PA 362, section 310 as amended by 2003 PA 152, and section 319g as added by 2002 PA 534, and by adding sections 79e and 252h; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Committee Reports

The Committee on Technology and Energy reported

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Brown, Cassis and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, December 8, 2004, at 4:35 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Leland and Bernero

Excused: Senator Olshove

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 8:22 p.m.

Pursuant to Senate Concurrent Resolution No. 48, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, December 29, 2004, at 11:30 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate