

No. 108
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, December 6, 2005.

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 not 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—excused
Kuipers—present
Leland—present
McManus—present

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

Senator Bill Hardiman of the 29th District offered the following invocation:

Father God, we thank You for this day and for so many blessings. Father, we thank You for the privilege, the responsibility that we have to serve the people of this great state. Father, I pray now for our leaders: our leaders of this country, our President, the Congress, the courts. I pray for the leaders of this state: Governor Granholm, the House and even this body and all who serve with us. Father, I pray for the people. Some of us are facing tough times, Lord God. We need jobs. We need employment. We need the revenue so that we can support ourselves. Father, bless us, each and everyone.

Father, we face many issues. Sometimes it's hard to discern which way to go. Right now, we look to You, for You have all wisdom. I am reminded of the words of Daniel: "Blessed be the name of God. Wisdom and might are his, for he changes the times and the seasons. He removes kings and he sets up kings. He gives wisdom to the wise and knowledge to those who have understanding." God, we ask for that wisdom and that knowledge. Help us to make wise decisions in accordance with Your will, that we might live in peace and prosperity.

Now, Father, we come to You from different backgrounds and different walks of life, even different faiths. Some of us are Christians and we recognize this time of year when we celebrate the birth of Your Son, and we do thank You for Him. But for each and everyone, I ask Your blessings on all of us.

These things I pray in the precious name of Jesus Christ. Amen

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:12 a.m.

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

During the recess, Senators Emerson, Bernero, Patterson, Brown, Kuipers, Van Woerkom, Sikkema, Bishop, Stamas, Goschka, Toy, Gilbert, Garcia, McManus, Cropsey, Sanborn and Cassis entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senators Jelinek, Birkholz and Allen entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

The motion prevailed.

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 10:14 a.m.

10:26 a.m.

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

During the recess, Senators George, Cherry and Emerson introduced the Flint Powers High School Football Team, 2005 Division 4 State Champions, and Head Coach Jack Pratt, and presented them with a Special Tribute. Coach Pratt responded briefly.

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

December 1, 2005

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Richard Rassel to the Michigan Strategic Fund Board of Directors and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Senator Ken Sikkema
Chairman, Senate Government Operations Committee

The communication was referred to the Secretary for record.

The following communication was received:
Department of Human Services

November 23, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

Type of Report	Facility	Report #	License #
Special Investigation Report	Woodland Center	2005C0207019	CS470245817

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

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

Sincerely,
Marianne Udow

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Thursday, December 1:

House Bill Nos. 4655 5232 5282 5333 5334 5339 5340 5353 5427 5438 5439 5440 5441 5442
5443 5444 5445 5446

House Joint Resolution F

The Secretary announced the enrollment printing and presentation to the Governor on Monday, December 5, for her approval the following bill:

Enrolled Senate Bill No. 654 at 1:55 p.m.

The Secretary announced that the following official bills were printed on Wednesday, November 23, and are available at the legislative website:

House Bill Nos. 5435 5436 5437 5438 5439 5440 5441 5442 5443 5444 5445 5446

The Secretary announced that the following official bills were printed on Thursday, December 1, and are available at the legislative website:

Senate Bill Nos. 907 908

The Secretary announced that the following official bills were printed on Friday, December 2, and are available at the legislative website:

**House Bill Nos. 5463 5464 5465 5466 5467 5468 5469 5470 5471 5472 5473 5474 5475 5476
5477 5478 5479 5480 5481 5482**

The Secretary announced that the following official bills were printed on Monday, December 5, and are available at the legislative website:

Senate Bill Nos. 911 912 913 914 915 916 917 918 919 920 921 922

Messages from the Governor

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

Senate Bill No. 272

Senate Bill No. 271

Senate Bill No. 264

Senate Bill No. 274

Senate Bill No. 281

Senate Bill No. 175

The motion prevailed.

The following messages from the Governor were received:

Date: December 1, 2005

Time: 8:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 308 (Public Act No. 245), being

An act to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 722.676), as amended by 2003 PA 192.

(Filed with the Secretary of State on December 1, 2005, at 2:46 p.m.)

Date: December 1, 2005

Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 657 (Public Act No. 246), being

An act to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by amending section 4a (MCL 47.4a); and to repeal acts and parts of acts.

(Filed with the Secretary of State on December 1, 2005, at 2:48 p.m.)

Date: December 1, 2005

Time: 9:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 789 (Public Act No. 253), being

An act 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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

(Filed with the Secretary of State on December 1, 2005, at 3:02 p.m.)

Date: December 1, 2005

Time: 9:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 799 (Public Act No. 255), being

An act 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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

(Filed with the Secretary of State on December 1, 2005, at 3:06 p.m.)

Date: December 1, 2005

Time: 9:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 790 (Public Act No. 257), being

An act 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, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

(Filed with the Secretary of State on December 1, 2005, at 3:10 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on December 5, 2005, and read:

EXECUTIVE ORDER
No. 2005-27

Remembering Pearl Harbor

WHEREAS, on the morning of December 7, 1941, the Armed Forces of the United States of America stationed at Pearl Harbor, Hawaii were attacked without warning or provocation by the air and naval forces of Imperial Japan;

WHEREAS, the attack claimed the lives 2,335 servicemen and servicewomen and another 1,143 servicemen and servicewomen were wounded;

WHEREAS, the attack galvanized our Nation, including the State of Michigan, and Americans responded with strength and resolve, demonstrating the spirit and courage that carried the United States to victory in World War II;

WHEREAS, it is appropriate to remember the supreme sacrifice given by those at Pearl Harbor and in later battles during World War II, a sacrifice not for conquest, but for the defense of freedom;

WHEREAS, we must, as President Franklin Delano Roosevelt implored the Nation on the day after the attack, always remember their sacrifice, for “It is our obligation to the dead—it is our sacred obligation to their children—that we must never forget what we have learned”;

WHEREAS, because we have not forgotten, and will not, we remember Pearl Harbor with solemn ceremony, honor the lives lost in the attack, and salute the veterans of World War II;

WHEREAS, with the enactment of 2000 PA 157, MCL 435.271, the Michigan Legislature has formally recognized the sacrifice of the servicemen and servicewomen who gave their lives at Pearl Harbor by declaring that December 7th of each year shall be known as Pearl Harbor Day;

WHEREAS, under Public Law 103-308, as amended by Public Law 105-225, 36 USC 129, Congress has urged the President to recognize December 7th as National Pearl Harbor Remembrance Day and to call on all departments, agencies, and instrumentalities of the United States Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7th in honor of the individuals who died as a result of their service at Pearl Harbor;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on December 7th of each year to mark Pearl Harbor Day;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim:

A. On Pearl Harbor Day, Wednesday, December 7, 2005, and each subsequent December 7th, the flag of the United States of America shall be flown at half-staff at all state buildings and facilities throughout the State of Michigan.

B. All other interested organizations, groups, and individuals, in Michigan are also called upon to fly the flag of the United States at half-staff on Wednesday, December 7, 2005, and each subsequent December 7th.

C. When flown at half-staff on Pearl Harbor Day, the flag of the United States should be hoisted first to the peak for an instant and then lowered to the half-staff position, where it should be flown until sunset, then raised to the top of the staff.

D. All individuals, governmental and educational institutions, and community organizations are encouraged to pause each Pearl Harbor Day and reflect upon the courage and sacrifice of those who died or were injured in that infamous attack.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 5th day of December, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Messages from the House

Senate Bill No. 457, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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 authorize the state administrative board to convey certain parcels of state owned property in Ionia county and in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain state officers, departments, and agencies with regard to the conveyances; and to provide for disposition of revenue derived from the conveyances.

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

Senate Bill No. 648, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

Substitute (H-1).

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

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

Roll Call No. 644

Yeas—35

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

Nays—0

Excused—1

Johnson

Not Voting—2

Cherry Emerson

In The Chair: President

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

Senator Cherry 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. 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. 34, entitled

A bill to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; 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 and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; 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 prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

Substitute (H-1).

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

Roll Call No. 645

Yeas—36

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer

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

Nays—0

Excused—2

Emerson Johnson

Not Voting—0

In The Chair: President

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

House Bill No. 5023, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

House Bill No. 4920, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124a, 80307, 80309, 81112, and 82105 (MCL 324.80124a, 324.80307, 324.80309, 324.81112, and 324.82105), section 80124a as added by 2003 PA 293, sections 80307, 80309, and 81112 as added by 1995 PA 58, and section 82105 as amended by 1998 PA 297.

House Bill No. 5057, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 91.

House Bill No. 5025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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

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

Senate Bill No. 906, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred," (MCL 17.1 to 17.3) by adding section 2b.

Substitute (S-1).

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

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

Senate Bill No. 203, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

Substitute (S-1).

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

1. Amend page 4, line 16, after "\$1,300,000,000.00" by inserting "IN THIS STATE".
2. Amend page 4, line 23, by striking out all of sub-subparagraphs (A) and (B) and relettering the remaining sub-subparagraphs.
3. Amend page 4, line 25, after "LEAVE" by striking out the balance of the sub-subparagraph and inserting "THAT IS NOT A TEMPORARY LAYOFF OR DUE TO A STRIKE."
4. Amend page 6, line 19, after "FAILED" by inserting "TO RETAIN THE REQUIRED NUMBER OF EMPLOYEES OR FAILED".

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

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

Senate Bill No. 909, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35f.

Substitute (S-1).

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

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

Senate Bill No. 910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35i.

Substitute (S-1).

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

1. Amend page 2, following line 20, by inserting:
" (6) IF A FINAL ORDER OF A COURT OF COMPETENT JURISDICTION FOR WHICH ALL RIGHTS OF APPEAL HAVE BEEN EXHAUSTED OR HAVE EXPIRED DETERMINES THAT THE CREDIT PROVIDED BY THIS SECTION OR BY SECTION 35J IS UNCONSTITUTIONAL OR APPLIES TO EMPLOYMENT, PERSONS, SERVICES, TAXES, INVESTMENT, OR ANY OTHER ACTIVITY OUTSIDE OF THIS STATE, THEN THIS SECTION AND SECTION 35J SHALL BE SEVERED FROM THIS ACT IN THEIR ENTIRETY

AND SHALL NOT BE EFFECTIVE FOR ANY TAX YEAR FOR WHICH THE FINAL RULING APPLIES AND THE REMAINING PROVISIONS OF THIS ACT SHALL REMAIN IN EFFECT.” and renumbering the remaining subsection.

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

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

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

Senate Bill No. 203
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 906

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

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

Senate Bill No. 203
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 906
Senate Bill No. 208
House Bill No. 5275
House Bill No. 5276
House Bill No. 5277
House Bill No. 5268
House Bill No. 5269
House Bill No. 4577

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 203, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 54 (MCL 208.54), as added by 1999 PA 115.

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. 646

Yeas—37

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

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 909, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35f.

The question being on the passage of the bill,

Senator Thomas offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35i.

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. 647

Yeas—36

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

Nays—1

Emerson

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 906, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred," (MCL 17.1 to 17.3) by adding section 2b.

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. 648

Yeas—34

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

Nays—3

Cassis	Gilbert	Sanborn
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Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 208, entitled

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

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. 649**Yeas—37**

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

Nays—0**Excused—1**

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5275, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212, and 28.213) and by adding sections 1a and 3a.

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. 650**Yeas—37**

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

Nays—0

Excused—1

Johnson

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 creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5276, entitled

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” (MCL 28.241 to 28.248) by adding section 2a.

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. 651**Yeas—26**

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

Nays—11

Basham	Clarke	Leland	Switalski
Brater	Emerson	Prusi	Thomas
Clark-Coleman	Jacobs	Scott	

Excused—1

Johnson

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5277, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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. 652

Yeas—37

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

Nays—0

Excused—1

Johnson

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 creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,".

The Senate agreed to the full title.

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

Senate Bill No. 909, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35f.

(This bill was read a third time earlier today, substitute offered and consideration postponed. See p. 2345.)

The question being on the adoption of the substitute offered by Senator Thomas,

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

Senator Jacobs offered the following amendment:

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

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 295 of the 93rd Legislature is enacted into law and takes effect.”.

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

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 653

Yeas—13

Basham	Clark-Coleman	Jacobs	Schauer
Bernero	Clarke	Leland	Scott
Brater	Emerson	Prusi	Thomas
Cherry			

Nays—23

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

Excused—1

Johnson

Not Voting—1

Toy

In The Chair: President

Senator Emerson offered the following amendment:

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

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 453 of the 93rd Legislature is enacted into law and is effective.”.

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

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 654

Yeas—14

Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Prusi	Thomas

Brater
Cherry

Emerson
Jacobs

Schauer

Toy

Nays—23

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Kuipers
McManus
Olshove
Patterson

Sanborn
Sikkema
Stamas
Switalski
Van Woerkom

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Basham offered the following amendment:

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

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 318 of the 93rd Legislature is enacted into law and is effective.”.

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

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 655

Yeas—15

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove
Prusi

Schauer
Scott
Thomas

Nays—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jelinek
Kuipers
McManus
Patterson
Sanborn

Sikkema
Stamas
Switalski
Toy
Van Woerkom

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Basham offered the following amendment:

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

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 185 of the 93rd Legislature is enacted into law and is effective.”.

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

Senator Schauer requested the yeas and nays.

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

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

Roll Call No. 656**Yeas—15**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Thomas
Brater	Emerson	Prusi	

Nays—22

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

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. 657**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer

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

Nays—1

Emerson

Excused—1

Johnson

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protest

Senator Emerson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 909 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Emerson’s statement is as follows:

I hesitated to rise, but since we have a virtual consensus on this bill, I thought maybe we ought to hear from the virtual, since I voted “no” on one of the previous bills and intend to vote “no” on this one; not because I don’t think manufacturers need some relief, but while I’m happy we may be doing this, it is a far cry from what was originally proposed by the Governor, who wanted a 35 percent reduction in the personal property tax and a restructuring of the single business tax.

This has come a long way from what was originally talked about; from a total restructuring of the single business tax to now, merely a tax cut. And while I don’t have a problem and have argued privately and publicly that we need to do something to save the jobs that are here—I think the Majority Leader pointed out that a lot of the new construction is occurring in other states and I did pay attention to that for the middle part of this year, those who are now voting for this spent a lot of time arguing that we shouldn’t be rewarding those industries that aren’t likely to grow in Michigan.

I’m sorry that we’re not also spreading some of the wealth—as my amendment tried to do—to those who have the least in this state. If we’re going to be spending a major portion of the excess revenues from ’05 to pay for a tax cut in ’06 for business, we can also, I think, afford to fund an earned-income tax credit, which would help those who are most needy in this state.

I think someone needs to say “no” not because I believe this is a bad thing in and of itself, but because this is so incomplete compared to the package that was originally introduced by the Governor months and months ago and because it does nothing to help the many individuals in this state who need help just as badly as these corporations do. Many of these corporations will get this tax relief, and they will still be laying off many of our constituents. I have a Delphi plant in my district that is likely to close. We’re doing everything we can locally to preserve those 3,300 jobs. My hope is that we can preserve those jobs, but the people who work there are trying to figure out how they’re going

to pay their mortgage; how they're going to pay their heating bills this winter when they're going to be taking a substantial reduction in pay and potentially losing their jobs. It seems to me that if we have excess revenue from '05 that we're willing to spend on an SBT cut, we ought to have excess revenue from '05 that will pay for an earned-income tax credit, which will help those people who are working and need help the most.

So while I have no quarrel with us trying to help those manufacturers, I do have some empathy for those people who are losing their jobs; those people who are trying to figure out how to cope with a 47 percent increase in home heating bills. They're going to need our help just as much as these corporations, and hopefully, you'll remember it when it comes time to spend the rest of that money that's left from the '05 surplus.

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

The motion prevailed.

Senator Sikkema's statement is as follows:

Mr. President, I think this is the last bill in the package dealing with the personal property tax credit and the issues related to Delphi and Visteon. I just want to take a couple of minutes of the Senate's time to rise and say why I think these bills are so critical to Michigan and to thousands of people who are employed here in Michigan today.

Mr. President and members, there is a major economic restructuring occurring not only in this state, but across the nation, literally as we speak and deliberate this morning. It's an economic restructuring affecting some of the largest companies in Michigan that offer employment to thousands upon thousands of our friends and our neighbors and our fellow citizens.

You can't open a newspaper in Michigan today without finding an article talking about the decisions faced by, among others, General Motors, Ford Motor Company, DaimlerChrysler, Delphi, Tower Automotive, and dozens and dozens of other companies in the automobile sector. The decisions that they are making, as we speak and in the weeks ahead, are basically decisions about consolidation. All of the companies that I have mentioned, and many that I don't have time to mention, have overcapacity. That's a nice word for economists and academe. But what that means is that they have too many plants and they have too many employees; and they have to decide right now where they are going to close plants, and where—in what states and what communities—along with plant closures, people are going to be laid off.

In this environment, it is absolutely critical that, just as these companies are making decisions right now, we in this chamber also make a decision right now that we are going to do whatever possible and whatever is prudent to create incentives, so that the plants that stay open and the people who stay employed are here in Michigan.

Now, I have at this podium newspaper articles that appeared in the two major Detroit papers just this weekend talking about this very phenomenon and the decisions being made. One article talks about Ford Motor Company. It talks about projections or beliefs from analysts about which plants they're looking at closing. They talk about a plant in Atlanta, Georgia, that makes the same vehicle or is involved in the same work as the plant in Wixom. The article talks about the fact that they probably don't need both plants and that Ford Motor Company has made an agreement with the economic development officials in Georgia for tax breaks that have to be approved by the Georgia State Legislature. What do you think happens if Georgia gives a tax break to Ford and we don't?

The same article talks about a Ford plant in Minnesota that is on the list of these so-called analysts as a high possibility of being closed. This article quotes the Speaker of the Minnesota Legislature, saying, "We are going to do whatever is possible to keep that plant open in terms of tax breaks and tax incentives, even to the point of calling a special session of the Minnesota Legislature." Toyota is building a truck plant in San Antonio right now. DaimlerChrysler is building a van plant in South Carolina right now. Given the overcapacity of the automobile industry, that's not a good sign for Michigan.

The package of bills that I'm asking the Senate to approve—and you have in a virtually unanimous vote; three of them; there's one left—reflects discussions that have occurred between the administration and the House and the Senate for months, and it is somewhat disappointing to me that there has been so much focus—not in this chamber and not in the Legislature, but from the media—on what we disagree on, that I think it's important to focus on what we've agreed on. In the discussions that we've had with the administration and the House for months, there's been, I'm going to say, virtual consensus that there has to be a more competitive tax structure vis-à-vis the personal property tax for Michigan manufacturers relative to other states. And that's what this package addresses. It provides relief on the personal property tax side of the business tax equation. The purpose of doing this and doing it right now is to send the right message to the companies that are making these decisions about consolidation; that we in this Legislature are prepared to make the kinds of decisions that are necessary and that we can control to create an incentive to stay in Michigan, and frankly, to grow in Michigan because these decisions about consolidation are not just going to be made in the next few weeks. They're going to be made again and again and again as this industry becomes competitive.

This package of bills reflects almost the same cost—if you're looking at the state budget and if you have a concern about it—this package of bill reflects virtually the same impact on the budget as the bills that we put on the Governor's desk previously. If you look at the two Senate fiscal analyses, the previous one over five years costs \$582 million; this one is \$509 million over the same period of time. Given the fact that these are always estimates, it's virtually identical.

And I don't dismiss the issue of what is the impact on the budget—I don't. But what is the most important issue facing the state of Michigan today? Is it increasing state spending or is it growing the economy and retaining these good, high-paying jobs that are at stake? I would submit the most important issue facing the state of Michigan today is doing what we can to retain these high-paying jobs for our neighbors, our friends, and our fellow citizens, even if that requires some tough decisions about the state budget.

I doubt very much that legislators in Georgia or Minnesota or Missouri or wherever there are automobile facilities whose livelihood might be at stake—I doubt very much that legislators in those states are quibbling very much about the impact on their state budget if they can keep those jobs there.

Ladies and gentlemen, this is a competitive, real world we live in. I'm proud of the Senate today for casting the votes they've cast on this issue that is not only critical, but is immediate to Michigan's future. And I hope that we also pass this last bill in the same fashion.

Senator Basham's statement is as follows:

I'd like to respond to my colleague from the 15th Senate District. It just amazes me that we, in this chamber, especially from the 15th District, continue to attack the Governor, who's tried for 10 months to do a jobs package, and the Legislature was slow to act. As a matter of fact, the good Senator from the 15th District said that Michigan manufacturers were dinosaurs, and for her to continually forget about what she said about the Michigan manufacturers and now sing a different tune and continue to blast the Governor, I think is unwarranted, unprecedented, and we should choose our words and remember what we said a month or two ago.

Senator Cassis' first statement is as follows:

It's interesting to review short-term history once again, but it's needed. The Governor's plan was truly a shift and a shaft. We heard this from so many small business leaders throughout our state as we traveled around the state last spring. It was a shift to a revenue-neutral stance. It would hurt the real estate, insurance, and banking industries. It was a revenue-neutral stance that would continue to allow this Governor and her administration their real goal, and that is tax and spend, spend and tax.

My colleagues, I truly think a "no" vote today does mean you are voting against tax relief for the manufacturing sector. We have lost over 300,000 jobs in this state. We are bleeding. Some would say we are hemorrhaging. We have to apply a tourniquet. To do nothing and vote "no" is a plan for disaster for this state. Today, in passage of these bills, we're sending a very clear message. This is step 1 toward economic recovery. There is much more to do. It starts with the first step today.

Senator Cassis' second statement is as follows:

I rise because I think it's really a sad day when rhetoric begins to fly around that is blatantly untrue. I don't know where the previous speaker came up with the reference of dinosaur. I never, never, ever used that term. Others might have used it and tried to apply it—misapply it—but I never used that term.

So let's be straightforward with each other. Let's be honest at this time of the year and all times of the year. This does not move the equation forward. This does not help our state.

So for the record, I want it made clear that I never used that term.

The following bill was read a third time:

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85.

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. 658

Yeas—37

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

Brown
Cassis
Cherry

Goschka
Hammerstrom

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—1

Johnson

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. 5269, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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. 659

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Johnson

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, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all 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. 4577, entitled

A bill to amend 1977 PA 72, entitled “The medicaid false claim act,” by amending the title and section 11 (MCL 400.611), the title as amended by 1982 PA 518, and by adding sections 10a, 10b, and 10c.

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. 660**Yeas—37**

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

Nays—0**Excused—1**

Johnson

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 prohibit fraud in the obtaining of benefits or payments in connection with the medical assistance program; to prohibit kickbacks or bribes in connection with the program; to prohibit conspiracies in obtaining benefits or payments; to authorize the attorney general to investigate alleged violations of this act; to provide for the appointment of investigators by the attorney general; to ratify prior appointments of attorney general investigators; to provide for civil actions to recover money received by reason of fraudulent conduct; to provide for receiverships of residential health care facilities; and to prescribe penalties.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Gilbert and Kuipers offered the following resolution:

Senate Resolution No. 86.

A resolution to oppose any state or local efforts to reclassify pet, livestock, or animal owners as “guardians.”

Whereas, The Federal Animal Welfare Act (7 USC § 2131 et. seq.) provides for the humane care and treatment of animals for use in research facilities, for exhibition purposes, and as pets. In addition, the state of Michigan enforces licensing and inspection programs to protect the health of domestic animals, livestock, and pets. Ongoing enforcement of anti-cruelty laws also promotes the responsible care of, and deters abuse of, animals; and

Whereas, Michigan’s animal industry is essential to Michigan’s economy. In 2004, cash receipts from livestock and milk sales totaled over \$2.4 billion. Michigan’s cattle and calf inventory was valued at \$1.07 billion as of January 2005. In addition, related expenses to domestic dog and cat, and other pet ownership contributes millions of dollars to Michigan’s economy; and

Whereas, The current regulatory framework of federal and state laws is being threatened by a growing movement with an ultimate objective of extending to livestock, pets, and other animals the same or similar legal rights and standing as people. Proponents want to further their objectives by reclassifying pet, livestock, and other animal “owners” as “guardians.” Nationwide, twelve cities and towns have adopted ordinances that designate animal owners as “guardians;” and

Whereas, Although marketed as a symbolic gesture, changing the status of animal owners to guardians has enormous legal implications. Dogs, livestock, and other animals would no longer be property under guardianship statutes and owners would no longer “own” the animals. Guardianship statutes would undermine an owner’s ability to provide for his/her animals and could permit third parties to petition courts for custody of someone’s pet, livestock, or animal. Guardianship statutes could also lead to court challenges by individuals who believe that an animal’s owner or veterinarian is not following the proper course of treatment or providing adequate care in the event of illness; and

Whereas, Such initiatives would limit or even eliminate an animal owner’s ability to freely choose appropriate treatment for his/her animals, increase the cost of livestock production, and ultimately erode access to affordable and high quality animal health care; now, therefore, be it

Resolved by the Senate, That we oppose any state or local efforts to reclassify pet, livestock, or animal owners as “guardians.”

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Cropsey, Jelinek and Sanborn were named co-sponsors of the resolution.

Senator Jacobs offered the following resolution:

Senate Resolution No. 87.

A resolution to urge the Congress of the United States to reject some of the recommendations of the President’s Advisory Panel on Federal Tax Reform.

Whereas, The President's Advisory Panel on Federal Tax Reform was created to provide a thoughtful and thorough review of our nation's tax code with an emphasis on streamlining and meaningful reform. The result of the panel's efforts includes some good proposals such as eliminating the alternative minimum tax, which was originally designed to tax the wealthy, but which has increasingly crept down to hurt middle-class taxpayers. At the same time, however, the panel proposes taxing employer-provided health care; and eliminating middle class tax benefits such as the deductions for home mortgage interest, local taxes, and home equity loans; and

Whereas, The presidential panel's recommendations, aside from the alternative minimum tax elimination, will hurt the middle class. Capping the home mortgage interest deduction will force many of what's left of our middle class homeowners to become renters. Furthermore, eliminating the deduction for interest on home equity loans removes a solid financial option for addressing spiraling higher education and medical costs; and

Whereas, Fairness and equity are at the heart of our system of self government, and our nation was, in fact, founded on these sound principles. We must reject any recommendations for tax policies that discourage home ownership and have adverse consequences for Michigan's economy; now, therefore, be it

Resolved by the Senate, That we hereby urge the Congress of the United States to reject some of the recommendations of the President's Advisory Panel on Federal Tax Reform; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Finance.

The motion prevailed.

Senators Brater, Clark-Coleman and Clarke were named co-sponsors of the resolution.

Senators Gilbert and Kuipers offered the following concurrent resolution:

Senate Concurrent Resolution No. 36.

A concurrent resolution to oppose any state or local efforts to reclassify pet, livestock, or animal owners as "guardians."

Whereas, The Federal Animal Welfare Act (7 USC § 2131 et. seq.) provides for the humane care and treatment of animals for use in research facilities, for exhibition purposes, and as pets. In addition, the state of Michigan enforces licensing and inspection programs to protect the health of domestic animals, livestock, and pets. Ongoing enforcement of anti-cruelty laws also promotes the responsible care of, and deters abuse of, animals; and

Whereas, Michigan's animal industry is essential to Michigan's economy. In 2004, cash receipts from livestock and milk sales totaled over \$2.4 billion. Michigan's cattle and calf inventory was valued at \$1.07 billion as of January 2005. In addition, related expenses to domestic dog and cat, and other pet ownership contributes millions of dollars to Michigan's economy; and

Whereas, The current regulatory framework of federal and state laws is being threatened by a growing movement with an ultimate objective of extending to livestock, pets, and other animals the same or similar legal rights and standing as people. Proponents want to further their objectives by reclassifying pet, livestock, and other animal "owners" as "guardians." Nationwide, twelve cities and towns have adopted ordinances that designate animal owners as "guardians;" and

Whereas, Although marketed as a symbolic gesture, changing the status of animal owners to guardians has enormous legal implications. Dogs, livestock, and other animals would no longer be property under guardianship statutes and owners would no longer "own" the animals. Guardianship statutes would undermine an owner's ability to provide for his/her animals and could permit third parties to petition courts for custody of someone's pet, livestock, or animal. Guardianship statutes could also lead to court challenges by individuals who believe that an animal's owner or veterinarian is not following the proper course of treatment or providing adequate care in the event of illness; and

Whereas, Such initiatives would limit or even eliminate an animal owner's ability to freely choose appropriate treatment for his/her animals, increase the cost of livestock production, and ultimately erode access to affordable and high quality animal health care; now, therefore, be it

Resolved by the Senate, That we oppose any state or local efforts to reclassify pet, livestock, or animal owners as "guardians."

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution, Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Judiciary. The motion prevailed. Senators Cropsey, Jelinek and Sanborn were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Brown introduced
Senate Bill No. 923, entitled

A bill to regulate the sale of certain farm vehicles; to provide for certain powers and duties of certain state departments; and to provide remedies.

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

House Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to establish a hiring preference for veterans in the classified state civil service.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

House Bill No. 4655, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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

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

House Bill No. 5232, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2004 PA 595.

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

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

House Bill No. 5282, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 13 (MCL 388.1913).

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

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

House Bill No. 5333, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate

and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by repealing sections 3 and 14 (MCL 254.313 and 254.324).

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

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

House Bill No. 5334, entitled

A bill to amend 1966 PA 13, entitled “An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities,” by repealing section 9 (MCL 254.369).

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

House Bill No. 5339, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

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

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

House Bill No. 5340, entitled

A bill to amend 1965 PA 380, entitled “Executive organization act of 1965,” by amending section 357 (MCL 16.457).

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

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

House Bill No. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” (MCL 492.101 to 492.141) by adding section 13a.

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

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

House Bill No. 5427, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5438, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

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

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

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

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

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

House Bill No. 5440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57q.

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

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

House Bill No. 5441, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

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

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

House Bill No. 5442, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57o.

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

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

House Bill No. 5443, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57n.

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

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

House Bill No. 5444, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57d, and 57e (MCL 400.57, 400.57d, and 400.57e), section 57 as added by 1995 PA 223 and sections 57d and 57e as amended by 2001 PA 280.

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

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

House Bill No. 5445, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as amended by 1999 PA 26.

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

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

House Bill No. 5446, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2001 PA 280.

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

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

Statements

Senators Schauer, Clark-Coleman, Jelinek, Scott and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schauer's statement is as follows:

I rise today with a heavy heart to honor the memory and service of Lance Corporal Craig Watson, 21 years old from Union City, Michigan; a committed soldier who, just days ago, made the ultimate sacrifice while serving our country in Iraq.

A member of the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, Lance Corporal Watson was an outstanding soldier. He was killed December 1 by a roadside bomb near Fallujah along with nine other soldiers. You probably read about that. Right down to his last moments, Lance Corporal Watson was a team player.

Son of Shirley and Jay Watson and brother of James, Kevin, and Brad, Lance Corporal Craig Watson is remembered fondly by his entire community for his courage and willingness to undertake a challenge. Craig Watson wrestled throughout high school and was a defensive tackle for the football team. His mother remembers his love of fishing and hunting. From practical joker to athlete to war hero, countless tributes from Union City citizens and past classmates signal a kind, fun, and dedicated young man of strong conviction. Whether watching out for his younger brothers or wrestling in a tougher weight class, Lance Corporal Watson always put the interests of the group ahead of his own. Those who knew him best say that Craig wanted to make a difference in the world.

A 2003 graduate of Union City High School, Lance Corporal Watson nobly chose to put himself in harm's way to stand up for what he believed, confronting an enemy opposed to the values of freedom and liberty that we take for granted. Craig joined the Marines, in part, because of the terrorist attacks of September 11, 2001. He hoped that military service would ultimately lead him to a position with the Michigan Department of Natural Resources. This was his second tour of duty in Iraq, choosing to return to Iraq because he felt his job wasn't finished. His sense of duty demonstrates his patriotism and calls upon all of us to consider our fundamental commitment as citizens.

Nothing can ease the grief of his family, but please let our words here today extend our appreciation for his honorable service into the permanent record. We honor Lance Corporal Watson's service, remember his strength, and praise his commitment to his country.

I ask that members join me in a moment of silence in memory of Lance Corporal Craig Watson.

A moment of silence was observed in memory of Marine Lance Corporal Craig Watson.

Senator Clark-Coleman's statement is as follows:

I was excused from session on November 30 and December 1. I was invited by the Washington-based National Foundation for Women Legislators to be one of 14 legislators from around the nation to go on a trade mission to Taiwan. Had I been present, I would have voted "yes" on the following roll calls: No. 606 "yes;" and all of the rest of these: Nos. 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, and 619, "yes."

I would have also voted "yes" on Thursday—those were the Wednesday votes. On Thursday, December 1, I would have voted "yes" on Roll Call Nos. 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, and 633. I would have voted "no" on Roll Call No. 634. I would have voted "yes" on Roll Call Nos. 635, 636, 637, and 639. In addition to Roll Call No. 634, I would have voted "no" on Roll Call Nos. 638, 640, 641, 642, and 643.

Senator Jelinek's statement is as follows:

Mr. President, I rise to voice my concern over this administration's treatment of one of our state's most precious resources, our agricultural industry. I am troubled by divergence between what the Governor has said, as opposed to what she has done since she has been in office. Some of her recent comments strike me as little more than lip service that belies an otherwise indifference to what is needed to support the agricultural industry.

I draw your attention to a prime example. The Governor stated at the Farm Bureau annual meeting last week that farmers hold the key to the state's economic recovery. However, just a week ago, the Governor line-item vetoed \$5 million in assistance to specialty crop producers and processors that the Legislature included in the securitization bills. After the veto, she falsely claimed that she provided \$10 million in assistance to agricultural processing when she, in fact, eliminated half of the funding.

It is clear that Michigan's agriculture has little, if any, support from our Governor. It is even more clear that our agricultural producers do not benefit from her hollow words. When I look at the Governor's rhetoric versus her actions, I see a great difference. Therefore, I have a simple question, and the farmers and the people of this state demand an explanation. Is agriculture important to you, Madam Governor? It's important to this state and to this caucus, but is it important to you?

Does the Governor only consider agriculture to be important when speaking with a group whom she wishes to appease? Why are her statements so quickly forgotten when she re-enters the Capitol? Does her commitment to the state's agricultural industry sway depending upon her audience or its potential impact on a poll or a campaign? I want answers. Michigan agriculturalists demand them. We do not want words. We want action. It speaks much louder.

I urge the Governor to support the full \$10 million that she stated recently was included, and thereby, demonstrate the support for Michigan agriculture that she claimed that was there last week.

Senator Scott's statement is as follows:

Well, I wanted to just remind my colleagues that we still need to do something about our insurance. Here's a person who says, "Greetings, Senator Scott. I read an article about what you are doing to try to improve auto insurance rates in Michigan. I just wanted to thank you. I reside in Eastpointe, have a fairly good job, and make what seems like descent money. However, I cannot afford to insure my 1997 Honda Accord, that is if I want to continue to eat and pay utility bills. The rates kept going up and up. Then I found out it was because of a bad credit rating. Now I can't afford to have insurance at all and I'm in danger of getting myself into deeper trouble. Thank you again and keep up the good work." Now that was the second one that we had from that area regarding credit scoring.

The next one is from Hamtramck. Well, she just gives her information. No real story, but I guess she is fed up too. Well, the next one is from Detroit. "Yes I know the auto and homeowner's insurance rates are too high. They don't want to pay you for your claims. I had only one company to tell me that they did not want to insure me because I made too many claims for them, yet I had managed to pay my insurance faithfully." Seems like I had another one like that one.

Well, anyway, the message is, colleagues, that we need to do something about insurance. But I see most have left now, but maybe they will read it in the manual.

Senator Cassis' statement is as follows:

Whether by mechanical or human error, I want to correct the record for the session dated Thursday, December 1. My intention was to vote "yes" on Senate Bill No. 895, Roll Call No. 641; as part of the package of school health insurance reform bills, Senate Bill Nos. 896, 897 and 898, all of which I have firmly supported with my "yes" votes.

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 621, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173 (MCL 333.20173), as added by 2002 PA 303.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert and Olshove

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 622, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34a (MCL 400.734a), as added by 2004 PA 59.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, November 30, 2005, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert and Olshove

Excused: Senator Clark-Coleman

The Committee on Appropriations reported
Senate Bill No. 236, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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

The Committee on Appropriations reported
Senate Bill No. 242, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, December 1, 2005, at 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, December 1, 2005, at 9:15 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

Scheduled Meetings

Administrative Rules - Wednesday, December 7, 9:00 a.m., Room 405, Capitol Building (373-6476)

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

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, December 8, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce, Labor and Economic Development - Thursday, December 8, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Judiciary and Corrections - Wednesday, December 7, 9:00 a.m., Room 402, Capitol Building (373-3760)

Banking and Financial Institutions - Thursday, December 8, 12:00 noon, Room 100, Farnum Building (373-2417)

Commerce and Labor - Wednesday, December 7, 1:00 p.m., Room 210, Farnum Building (373-2413)

Finance - Wednesday, December 7, 1:00 p.m., Room 110, Farnum Building (373-1758)

Legislative Retirement Board of Trustees - Wednesday, December 7, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Technology and Energy - Wednesday, December 7, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation - Tuesday, December 13, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:47 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, December 7, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate