

No. 1
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, January 11, 2006.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 93rd Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2006), at twelve o'clock noon, and were 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.

District	Name	District	Name
1st	Hansen Clarke	20th	Thomas M. George—excused
2nd	Martha G. Scott	21st	Ron Jelinek
3rd	Irma Clark-Coleman	22nd	Valde Garcia
4th	Samuel Buzz Thomas III—excused	23rd	Vacant
5th	Burton Leland	24th	Patricia L. Birkholz
6th	Laura M. Toy	25th	Judson S. Gilbert II
7th	Bruce Patterson	26th	Deborah Cherry
8th	Raymond E. Basham	27th	Robert L. Emerson—excused
9th	Dennis Olshove	28th	Kenneth R. Sikkema
10th	Michael Switalski	29th	Bill Hardiman
11th	Alan Sanborn	30th	Wayne Kuipers
12th	Michael D. Bishop	31st	Jim Barcia
13th	Shirley Johnson	32nd	Mike Goschka
14th	Gilda Z. Jacobs	33rd	Alan L. Cropsey
15th	Nancy Cassis	34th	Gerald Van Woerkom
16th	Cameron Brown	35th	Michelle McManus
17th	Beverly S. Hammerstrom	36th	Tony Stamas
18th	Liz Brater	37th	Jason E. Allen
19th	Mark Schauer	38th	Michael A. Prusi

Senator Michael A. Prusi of the 38th District offered the following invocation:

Lord, thank You for this day. Across Michigan and around the world Your people pray to You through many faiths and many creeds and many languages, but our hopes and our prayers are common.

Lord, we seek God's peace in these trying times when war and senseless violence curse our planet. We pray that You hold our troops and their families in Your gentle grace in the dangerous days ahead.

Lord, we look for Your compassion for the downtrodden and poverty-stricken who have been cast aside in the world's lust for wealth and power. Help us to lift them up to share in the bounty of our society.

Lord, we ask that Your love fill the hearts of mankind to replace the hatred borne of fear and ignorance.

Lord, keep us ever mindful that our society is and ought to be measured by the things we do to protect and strengthen those in the dawn of life, our children, whose futures are in our hands; those in the twilight of life, our elders, who have toiled all of their lives to earn a dignified and secure retirement; and those in the shadows of life, our brothers and sisters who struggle daily with mental, emotional, and physical disabilities.

Lord, guide us with Your wisdom today and through the new year as we do our work in this chamber. We know that through You all things are possible. 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*.

Senator Toy entered the Senate Chamber.

Motions and Communications

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

The motion prevailed.

Senator Schauer moved that Senators Emerson and Thomas be excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Sikkema's statement is as follows:

Mr. President and members, I want to direct your attention briefly to the desk on the floor here of the Majority Floor Leader, Senator Hammerstrom. You will see a bouquet of flowers. Senator Hammerstrom recently—in fact, last week—received a very significant national award. I had the distinct honor and privilege of participating in the presentation of that award.

Senator Hammerstrom has recently served as the chairperson of the board of Women In Government. As important and as prestigious as that is in and of itself, I think I should note to the members that when she was selected and elected to be chair of that board, little did she know that she was getting into a situation where over time that organization had developed some pretty significant membership and financial difficulties, and Senator Hammerstrom, as chair of the board working with our colleagues, has changed all of that—kind of righted that ship—and it's very healthy and very successful.

But she has spent a lot of time, particularly in the last year, in addition to her duties here in the Senate, working with that national organization. Senator Martha Scott was at this presentation as well. We had a couple of House members there, but I just wanted the members to know that Senator Hammerstrom has received this very significant national award, and I think she deserves a very healthy round of applause.

The following communication was received and read:
Office of Former Senator Virg Bernero

December 20, 2005

Please accept this letter as my official resignation from the Michigan State Senate effective January 1, 2006 at 11:59 a.m. It has been an honor to serve the citizens of the 23rd District in this capacity for the past three years. However, I look forward to serving the citizens of Lansing as their Mayor.

If the City of Lansing can be of any assistance to the Michigan State Senate, please feel free to contact me directly at the Mayor's office.

Sincerely,
Virg Bernero
State Senator

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

December 29, 2005

Enclosed is a copy of the following audit report:
Follow-up of the performance audit of the Office of Internal Audit, Family Independence Agency.

December 29, 2005

Enclosed is a copy of the following audit report:
Performance audit of the Support Services Division, Office of Financial Management, within the Office of the State Budget, Department of Management and Budget.

January 10, 2006

Enclosed is a copy of the following audit report:
Performance audit of Carson City Correctional Facility and Boyer Road Correctional Facility, Department of Corrections.

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

The communications were referred to the Secretary for record.

The following communication was received:
Department of Human Services

January 4, 2006

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

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Interim	Northern Michigan Adoption Program	CP280201328

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 official bills were printed on Tuesday, January 3, and are available at the legislative website:

House Bill Nos. 5529 5530 5531 5532 5533 5534 5535 5536 5537

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 and read:

December 29, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 15 of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1015:

General Industry Safety Standards Commission

Mr. Dennis M. Emery of 4391 Stewart Road, Metamora, Michigan 48455, county of Lapeer, succeeding Timothy J. Khoury, whose term has expired, representing the management of principal industries of this state with 200 or fewer employees, for a term commencing December 29, 2005 and expiring March 26, 2008.

Mr. Jeffrey Radjewski of 26449 Birchcrest Drive, Chesterfield, Michigan 48051, county of Macomb, succeeding John Pettinga, whose term has expired, representing labor, for a term commencing December 29, 2005 and expiring March 26, 2008.

Mr. Thomas J. Pytlik of 3306 Westway Drive, Bay City, Michigan 48706, county of Bay, reappointed to represent the management of principal industries of this state, for a term expiring March 26, 2008.

January 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 2 of 1975 PA 164, MCL 18.302:

Commission on Spanish-Speaking Affairs

Ms. Ana M. Gabriel of 2826 Mayfair Drive, Troy, Michigan 48084, county of Oakland, succeeding Nelida Bravo, whose term has expired, representing the general public, for a term commencing January 3, 2006 and expiring December 10, 2008.

Ms. Alicia Villarreal of 27331 Grant Street, St. Clair Shores, Michigan 48081, county of Macomb, succeeding Ricardo Verdoni, whose term has expired, representing the general public, for a term commencing January 3, 2006 and expiring December 10, 2008.

Mr. George Fierro of 3105 53rd Street, Hamilton, Michigan 49419, county of Allegan, reappointed to represent the general public, for a term expiring December 10, 2008.

Mr. Benjamin D. Inquilla of 685 Glenview Circle, Plainwell, Michigan 49080, county of Allegan, reappointed to represent the general public, for a term expiring December 10, 2008.

January 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305:

Michigan Board of Nursing Home Administrators

Ms. Valaria Conerly Moon of 5119 Dye Meadow Court, Flint, Michigan 48532, county of Genesee, succeeding David L. Corteville, whose term has expired, representing the general public, for a term commencing January 3, 2006 and expiring December 31, 2008.

Mr. Samuel H. Shaheen, D.O., of 14 Davis Drive, Saginaw, Michigan 48602, county of Saginaw, succeeding Sara J. Schaden, whose term has expired, representing nursing home administrators, for a term commencing January 3, 2006 and expiring December 31, 2009.

January 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17421:

Michigan Board of Optometry

Mr. Stephen P. Thompson, O.D., of 1220 Blanchette Drive, East Lansing, Michigan 48823, county of Ingham, succeeding John M. Nametz, whose term has expired, representing optometrists, for a term commencing January 3, 2006 and expiring June 30, 2009.

January 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 18821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.18821:

Michigan Board of Veterinary Medicine

Mr. Lawrence A. Letsche, D.V.M., of 6565 North Territorial Road, Plymouth, Michigan 48170, county of Washtenaw, succeeding Constance J. Moll, whose term has expired, representing veterinarians, for a term commencing January 3, 2006 and expiring December 31, 2009.

Ms. Sandra McMahon Pelton of 35745 Joy Road, Westland, Michigan 48185, county of Wayne, succeeding Carol A. Stevens, whose term has expired, representing veterinary technicians, for a term commencing January 3, 2006 and expiring December 31, 2008.

Ms. Nancy C. Postorino Reeves, D.V.M., of 1780 Foxcroft Road, East Lansing, Michigan 48823, county of Ingham, succeeding Daniel S. Aja, whose term has expired, representing veterinarians, for a term commencing January 3, 2006 and expiring December 31, 2008.

January 6, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 16907 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16907:

Board of Marriage and Family Therapy

Ms. Joette M. Lambert of 38 Maywood Avenue, Pleasant Ridge, Michigan 48069, county of Oakland, succeeding Lisa Lazar, whose term has expired, representing the general public, for a term commencing January 6, 2006 and expiring June 30, 2007.

January 6, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 881 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.20881:

Strategic Economic Investment and Commercialization Board

Mr. Kenneth Rogers of 8803 Cedar Drive, Clarkston, Michigan 48348, county of Oakland, succeeding Hayes W. Jones, who has resigned, representing Automation Alley, a Michigan nonprofit corporation incorporated on May 21, 1998, for a term commencing January 6, 2006 and expiring December 31, 2007.

January 6, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, as amended by 2005 PA 225:

Michigan Strategic Fund Board of Directors

Mr. Brian R. Ellis of 45 Brooktree Lane, Grand Rapids, Michigan 49503, county of Kent, succeeding Mark Walker, whose term has expired, appointed as a nominee of the Senate Majority Leader representing persons within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology, for a term commencing January 6, 2006 and expiring December 31, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; CAPITAL OUTLAY; SUPPLEMENTAL

December 20, 2005

Today I have signed Enrolled Senate Bill 236, a bill containing fiscal year 2006 appropriations for capital outlay, and fiscal year 2005 and 2006 supplemental appropriations for various state departments and agencies. However, I am returning it to you because of items of which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill authorizes over \$500 million for capital construction, facility preservation, infrastructure improvement, and acquisition projects for institutions of higher education, state agencies, local units of government and non-profit organizations, as well as, supplemental appropriations totaling \$3.6 million for various state departments and agencies. My action today:

- Authorizes \$198 million for construction of 17 university and community college projects, and \$70 million for state facility preservation projects as part of my Jobs Today Initiative.
- Provides \$32 million for improvements to state parks, forest, recreational boating facilities, and farmland and open space preservation, and \$24 million for improvements to military affairs facilities, including \$19 million for new company headquarters buildings at Camp Grayling.
- Provides \$158 million for airport safety and protection plan projects at local aviation facilities, and \$3 million for construction of a new Transportation Service Center in Cadillac that will be co-located with the Cadillac/Wexford Transit Authority.

My actions also include the veto of Section 1651 and the re-appropriation of public safety grants for security at the 2005 All-Star and 2006 Super Bowl games. This veto allows the original appropriation in Public Act 200 of 2005 for this purpose to stand without the earmark to specific counties. I have also vetoed Section 1751 and the site assessment appropriations for Little Black Creek in Muskegon, as the earmark again attempts to fund environmental remediation and redevelopment activities outside of the standard assessment process.

I thank the Legislature for its work on this important budget bill. The investment made in these projects will create jobs and provide economic stimulus across the state.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on December 19, 2005, at 1:10 p.m. (Filed with the Secretary of State on December 20, 2005, at 2:56 p.m.) and assigned Public Act No. 297.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Hammerstrom moved that further consideration of the bill be postponed for today.
The motion prevailed.

The following message from the Governor was received and read:

HUMAN SERVICES; EMPLOYMENT AND TRAINING;
REVISE WORK FIRST PARTICIPATION REQUIREMENTS;
REVISE SANCTIONS FOR NONCOMPLIANCE

December 27, 2005

Today I return Enrolled Senate Bills 892 and 893 with my objections, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. As part of a legislative package that attempts to fundamentally change Michigan's welfare system, the bills contain some good features, but also have serious flaws that would undermine the very reforms sought.

I believe that Michigan's welfare system should help individuals gain financial independence so they can contribute to the growth of Michigan's economy. Just as I believe that we have a moral obligation to provide a safety net for our most vulnerable fellow citizens, I also believe welfare recipients should work to gain the education and skills needed to make it on their own. Therefore, I support limits for able-bodied people with no barriers to self-sufficiency.

This legislative package, however, goes too far. As passed, the package would impose a lifetime 48-month limit on benefits, even for those who comply with work and training requirements but still don't earn enough money to escape poverty. The 74,000 families receiving cash assistance today, including 157,000 children, are among the poorest of the poor in our society. They have significant barriers to work, be they mental or physical disabilities, children in dire poverty, or other immediately insurmountable barriers. The very limited support these fragile citizens receive from the state is equivalent to 36% of the poverty level for a family of three—or a mere \$5,500 per year. For most people in Michigan, that support would not even pay for a partial year's rent, much less any other basic necessities of life. The current stipend has not been raised for over a decade. I simply will not sign a bill that will have the effect of forcing families with children into utter economic desperation or homelessness. This package is a far cry from being either pro-family, pro-child, or even "compassionately conservative."

While I support strengthening sanctions for those who do not comply with work and training requirements, the penalties this legislative package would impose are too severe—24 times more severe than penalties under current law. I have supported increasing the ineligibility period for noncompliance, but the sanctions in this package are too extreme, especially at a time when our economy is already challenged.

I have separately signed into law two other bills in this legislative package, Enrolled Senate SB 894 and House Bill 5442, which provide for time lines for developing a recipient's family self-sufficiency plan and for studying the impact of other potential changes in the law.

My administration has put in countless hours working with the Legislature to craft a tough, fair, and compassionate welfare reform package that rewards work, trains people for jobs, and protects our poorest and most vulnerable citizens. Unfortunately, these bills do not meet that standard. However, I remain willing to work with you to enact legislation that is both firm and compassionate.

Because several sections of current law expire on December 31st of this year, I applaud the Michigan Senate for its approval of Senate Bill 757, with immediate effect. I have called on the House of Representatives to quickly approve the bill as it is currently on the House floor awaiting final approval. If quickly enacted, Senate Bill 757 will extend the expiration date of key provisions of The Social Welfare Act and avoid needless confusion and expense.

Respectfully,
Jennifer M. Granholm
Governor

These bills were returned from the Governor on December 27, 2005, at 1:26 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bills be postponed for today.

The motion prevailed.

Messages from the House

Senate Bill No. 757, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

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.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on December 29, 2005.

Senate Bill No. 624, 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 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 250.2080) by adding section 92.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Sikkema offered the following concurrent resolution:

Senate Concurrent Resolution No. 38.

A concurrent resolution to create the Joint Select Committee on Oversight of the 21st Century Jobs Funds.

Whereas, Michigan's faltering economy is in need of diversification. In passing Public Acts 212-216, 221-223, and 231-232 of 2005, the Legislature has uniquely positioned the state to take advantage of the new economy by spurring the creation of high-tech, high-growth job opportunities using the 21st Century Jobs Funds. It will allow Michigan to regain its rightful leadership position as an incubator for cutting-edge technology; and

Whereas, Public Act 232 created the 21st Century Jobs Trust Fund within the Department of Treasury. Upon request of the Michigan Strategic Fund Board, the Treasurer shall disperse funds to support entrepreneurs in developing new technologies, new products, and new high-tech, high paying jobs as Michigan strives to position itself in the world economy; and

Whereas, These new investment and job opportunities created using 21st Century Jobs Funds must be created with the highest regard for integrity. The funds should be allocated fairly and freely of manipulation from personal influence, political maneuvering, or conflicts of interest; and

Whereas, It is imperative that a high level of public confidence be maintained regarding the disbursement of monies from the 21st Century Jobs Trust Fund. Michigan's citizens deserve to have public dollars spent wisely. Investors, entrepreneurs, financial institutions, institutions of higher education, and nonprofits need to be assured they will be given equal opportunity to become the next successful job providers in Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created the Joint Select Committee on Oversight of the 21st Century Jobs Funds to provide legislative oversight over the operations and activities of the Michigan Strategic Fund, the Michigan Strategic Fund Board, and the Strategic Economic Investment and Commercialization Board, and the distribution of money from the Trust Fund and Investment Fund. The Joint Select Committee on Oversight of the 21st Century Jobs Funds shall consist of four members of the Senate and four members of the House of Representatives appointed in the same manner as standing committees of the Senate and House are appointed. The Joint Select Committee shall report its findings and recommendations to the Michigan Legislature, including reporting as needed regarding any concerns, improprieties, or irregularities regarding the distribution of public dollars; and be it further

Resolved, That the Joint Select Committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary by the chair of the committee and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the committee chair, the Senate Majority Leader, and the Speaker of the House.

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.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

I rise in support of this resolution, but I would like to speak to it.

First of all, I'm very pleased to stand up here and say how happy I am with Governor Granholm and her leadership and her vision in terms of setting up the 21st Century Jobs Fund. I believe that this will take Michigan where it needs to go. Clearly, the Governor, as well as this body, recognizes the need for diversification of our economy here in Michigan.

But I would like to remind my colleagues that we took a lot of time in setting up the 21st Century Jobs Fund when we enacted the legislation. We did put safeguards into it. I just want to review a couple of them just to remind people that, you know, I think we really were looking towards making sure we did protect the health and welfare of Michigan residents, as well as making sure that there would be no manipulation from personal influence or political maneuvering or conflicts of interest, as are mentioned in the Senate concurrent resolution.

So just as a way of reminder, applications for funds are independently peer-reviewed before they are considered by the board. The Open Meetings Act has to be in compliance. There is a chief compliance officer specifically set up as part of the Strategic Investment Board. There are stringent reporting requirements for the boards that they must report to the Governor, the Secretary of the Senate, the Clerk of the House, and members of the House and Senate Appropriations Committees because we wanted to be sure that there was governmental oversight on the boards' operations; as well as the Auditor General is currently by law required to conduct and report a performance postaudit of the commercialization board. The act also strictly outlines the necessary qualifications for board members and nominees and the Speaker and Majority Leader to have input on the nominees. The way we did pass this law, they have to give a list to the Governor and then she selects from that list.

Given that, as just a little reminder, it's always important that we have as much oversight as we can have. I do support this, but I'm not sure that the sky was falling that we really needed to put this forward. Given that, I think we should all support this.

Senate Concurrent Resolution No. 37.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 112 of 2005, p. 2510.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Barcia, Cropsey, Jacobs, Bernero and Goschka introduced

Senate Bill No. 939, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 744, 1026, 1028, 1030, 1032, 1034, 1044, and 1050 (MCL 330.1744, 330.2026, 330.2028, 330.2030, 330.2032, 330.2034, 330.2044, and 330.2050), section 744 as amended by 1995 PA 290, and by adding sections 1049, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, and 1082; and to repeal acts and parts of acts.

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

Senator Bernero introduced

Senate Bill No. 940, entitled

A bill to authorize the department of management and budget to convey certain parcels of state owned property in Ingham county; to prescribe conditions for the conveyances; and to provide for disposition of revenue derived from the conveyances.

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

Senators Brater, Switalski, Jacobs, Scott, Leland, Emerson and Thomas introduced

Senate Bill No. 941, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 1b of chapter IX (MCL 769.1 and 769.1b), section 1 as amended by 1999 PA 87 and section 1b as amended by 1998 PA 520.

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

Senators Brater, Switalski, Jacobs, Scott, Leland, Thomas and Emerson introduced

Senate Bill No. 942, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Senators Switalski, Brater, Jacobs, Leland, Scott, Thomas and Emerson introduced

Senate Bill No. 943, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2d and 18 of chapter XIII (MCL 712A.2d and 712A.18), section 2d as amended by 1998 PA 478 and section 18 as amended by 2004 PA 475.

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

Senators Scott, Switalski, Brater, Jacobs, Leland, Thomas and Emerson introduced

Senate Bill No. 944, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b.

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

Senators Toy, Hardiman, Gilbert, Sanborn and McManus introduced

Senate Bill No. 945, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 209 (MCL 168.200 and 168.209), section 200 as amended by 1998 PA 364 and section 209 as amended by 1990 PA 7.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Bishop introduced

Senate Bill No. 946, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2001 PA 252.

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

Senator Birkholz introduced

Senate Bill No. 947, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by repealing section 24 (MCL 565.24).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Schauer, Cherry, Brater, Prusi, Switalski, Basham and Clark-Coleman introduced

Senate Bill No. 948, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g, 29, 34, 63, 63a, 65, 69a, and 70 (MCL 791.220g, 791.229, 791.234, 791.263, 791.263a, 791.265, 791.269a, and 791.270), section 20g as amended by 2000 PA 211, sections 29, 63, 63a, 65, 69a, and 70 as amended by 1998 PA 512, and section 34 as amended by 2004 PA 218.

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

Senators Schauer, Cherry, Brater, Prusi, Switalski, Basham and Clark-Coleman introduced

Senate Bill No. 949, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 220j.

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

Senators Jelinek, Garcia, Leland, Jacobs, Cherry, Schauer, Goschka, Olshove, Allen, Cropsey, Prusi and Brater introduced

Senate Bill No. 950, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

Senators Garcia, Emerson, Switalski, Cherry, Hardiman, Jacobs, Toy, Birkholz, Johnson, Clarke, George, Jelinek, Patterson, Prusi, Bishop, Van Woerkom, Barcia, Brater, Olshove, Thomas, Leland and Schauer introduced

Senate Bill No. 951, entitled

A bill to establish the companion animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senators Garcia, Emerson, Switalski, Cherry, Hardiman, Jacobs, Toy, Birkholz, Johnson, Clarke, George, Jelinek, Patterson, Prusi, Bishop, Van Woerkom, Barcia, Brater, Olshove, Thomas, Leland and Schauer introduced

Senate Bill No. 952, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436.

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

Senators Bernero, Clark-Coleman, Prusi and Brater introduced

Senate Bill No. 953, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 19 (MCL 38.19), as amended by 2002 PA 93.

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

Senators Bishop, Birkholz, Gilbert, Cropsey, Kuipers and Allen introduced

Senate Bill No. 954, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 9 and 10 (MCL 30.409 and 30.410), as amended by 2002 PA 132.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Stamas introduced

Senate Bill No. 955, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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

Senator Stamas introduced

Senate Bill No. 956, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; to transfer certain funds; and to provide for the expenditure of the appropriations.

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

Senator Cassis introduced

Senate Bill No. 957, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

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

House Bill No. 4522, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5j (MCL 28.425j), as amended by 2004 PA 254.

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 Judiciary.

House Bill No. 4796, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

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 Judiciary.

House Bill No. 4799, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 40 and 42 of chapter VII (MCL 767.40 and 767.42), section 40 as amended by 1986 PA 46.

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 Judiciary.

House Bill No. 4800, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8311 (MCL 600.8311).

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 Judiciary.

House Bill No. 4853, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds

from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2004 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 Transportation.

House Bill No. 5198, entitled

A bill to amend 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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 Judiciary.

House Bill No. 5487, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 7jj and 9k.

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 Local, Urban and State Affairs.

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

The motion prevailed.

Senator Cherry's statement is as follows:

I just quickly wanted to, as a member of Women In Government, congratulate Senator Hammerstrom on the work that she has done in Women In Government and the fact that she has made that organization strong and viable with dollars and able to really do some good things for those of us who serve in government now. I also wanted to congratulate Senator Martha Scott because, as we started the new year, Senator Scott is now one of the Michigan Board of Directors for Women In Government, along with Senator Hammerstrom. So we wish her well and hope that she enjoys it, and I know she will do a great job.

Senator Hammerstrom's statement is as follows:

I would also like to thank Senator Cherry for her comments and again congratulate Senator Scott on being a state director for the coming year for Women In Government. But I also would like to congratulate Senator Laura Toy, who will also be a state director for the coming year. So, Laura, welcome. This is her second year too as a state director.

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

The following message was received and read:

January 11, 2006

I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Last week, I had delivered to every legislator's office in the House and Senate an article from the December 23, 2005, edition of the *Los Angeles Times*. In this article, California State Insurance Commissioner John Garamendi describes how he will soon be proposing rules that will force every auto insurer in the state to base rates on driving records and miles driven by motorists, and to give less weight to where a driver lives.

It's amazing, isn't it? That is exactly what I preach every day that I stand here in the Senate Chamber. Could it be that someone from as far away as California is listening to me? Let me just remind my colleagues again that the five most-expensive cities for auto insurance rate premiums are Detroit, being No. 1, \$5,162; Philadelphia, \$4,142; Newark, N.J., \$3,482; Los Angeles, \$3,225; and New York City, \$3,127.

Los Angeles, with nearly \$2,000 less in an average premium than Detroit, has a population that is about four times the size of Detroit's population. So in a city that is more populated, with lower average premiums, drivers will soon see some relief in their pocketbooks.

I have introduced Senate Bill No. 26 that would prohibit the use of charging different rates due to the geographic location and placing more emphasis on a person's driving record and the type of car they drive. So as we begin this new legislative session, I can only hope and pray that we will soon get serious about addressing the issues of high auto and homeowner's insurance in this state.

And, again, I ask for your support. Let me just say that I applaud the commissioner from Los Angeles for his courage in standing tall against the insurance industry. You can be sure that I will be watching closely as these proposed changes in the state of California are carried out.

I want to thank my colleague, who has a birthday today, for standing up when I wasn't here a few weeks ago, Mickey Switalski, for standing in the gap for me. So I want some others to come on and stand in the gap too.

Senator Hammerstrom moved that when the Senate adjourns today, it stands adjourned until Wednesday, January 18. The motion prevailed.

Scheduled Meetings

Appropriations - Thursday, February 9, 1:00 p.m. or later immediately following Senate/House Appropriations Committee Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Judiciary and Corrections - Tuesday, January 17, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Thursday, January 19, 12:00 noon, Rooms 402 and 403, Capitol Building (373-6960)

Appropriations, Senate/House - Thursday, February 9, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Judiciary - Tuesday, January 17, 1:00 p.m., Room 210, Farnum Building (373-3760)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Thursday, January 12, 10:30 a.m., Room 927, South Tower, House Office Building (373-0575)

State Drug Treatment Court Advisory Committee - Tuesday, January 24, 9:15 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0212)

Transportation - Tuesday, January 24, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:38 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, January 18, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate