

No. 31
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, March 28, 2006.

10:00 a.m.

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

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

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

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

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

Senator Michelle McManus of the 35th District offered the following invocation:

Heavenly Father, we thank You for this day and the opportunity to serve our constituents as members of this esteemed body. Bless us, O Lord, that our hearts and our minds be open to seek the truth and work with honor. In Your wisdom, guide us to listen, to speak, and to act with the power of humility and the courage of conviction. Amen.

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

Motions and Communications

Senator Hammerstrom moved that Senators Kuipers and Goschka be temporarily excused from today's session. The motion prevailed.

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

Senate Bill No. 246

The motion prevailed.

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

Commission of Agriculture

Mr. Donald M. Coe, an Independent, of 419 Leeward Trail, Traverse City, Michigan 49686, county of Grand Traverse, succeeding James Maitland, whose term has expired, appointed for a term commencing February 7, 2006 and expiring December 31, 2009.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

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

Senate Bill No. 1082

Senate Bill No. 1083

Senate Bill No. 1085

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

Senator Emerson moved that Senator Basham be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senator Cherry be temporarily excused from the balance of today's session.

The motion prevailed.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Finance - Senator Garcia (VC) replacing Senator Allen.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The following communications were received and read:

Office of the Senate Majority Leader

March 24, 2006

Pursuant to Joint Rule 3(a), I have made the following conferee appointments to the Conference Committee on Senate Bill 1124:

Senator Kuipers, Senator Sikkema and Senator Clark-Coleman

March 27, 2006

Pursuant to Joint Rule 3(a), I have made the following conferee appointments to the Conference Committee on House Bill 5606:

Senator Kuipers, Senator Sikkema and Senator Leland

March 27, 2006

Pursuant to Joint Rule 3(a), I have made the following conferee appointments to the Conference Committee on House Bill 5675:

Senator Cropsey, Senator Jelinek and Senator Switalski

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communications were referred to the Secretary for record.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2005 through December 31, 2005, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
Appropriations
Banking and Financial Institutions
Commerce and Labor
Economic Development, Small Business and Regulatory Reform
Education
Families and Human Services
Finance
Gaming and Casino Oversight
Government Operations
Health Policy
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Senior Citizens and Veterans Affairs
Technology and Energy
Transportation

Chairperson

Senator Gerald Van Woerkom
Senator Shirley Johnson
Senator Michael Bishop
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bill Hardiman
Senator Nancy Cassis
Senator Jason Allen
Senator Ken Sikkema
Senator Beverly Hammerstrom
Senator Alan Cropsey
Senator Laura Toy
Senator Patricia Birkholz
Senator Laura Toy
Senator Bruce Patterson
Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 23:
House Bill Nos. 4486 4487 4488 4489 4490 4491 5554 5811

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 23, for her approval the following bills:

Enrolled Senate Bill No. 764 at 2:24 p.m.
Enrolled Senate Bill No. 506 at 2:26 p.m.
Enrolled Senate Bill No. 883 at 2:28 p.m.
Enrolled Senate Bill No. 907 at 2:30 p.m.
Enrolled Senate Bill No. 925 at 2:32 p.m.
Enrolled Senate Bill No. 946 at 2:34 p.m.
Enrolled Senate Bill No. 955 at 2:36 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 27, for her approval the following bills:

Enrolled Senate Bill No. 779 at 3:03 p.m.
Enrolled Senate Bill No. 371 at 3:05 p.m.
Enrolled Senate Bill No. 866 at 3:07 p.m.

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

Senate Bill Nos. 1184 1185 1186 1187 1188
House Bill Nos. 5903 5904 5905

The Secretary announced that the following official bills were printed on Friday, March 24, and are available at the legislative website:

Senate Bill Nos. 1189 1190 1191 1192
House Bill Nos. 5906 5907 5908 5909 5910 5911

Messages from the Governor

Senator Goschka entered the Senate Chamber.

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

Senate Bill No. 272
Senate Bill No. 271
Senate Bill No. 264
Senate Bill No. 274
Senate Bill No. 281
Senate Bill No. 175
Senate Bill No. 236
Senate Bill No. 892
Senate Bill No. 893
Senate Bill No. 956
Senate Bill No. 957
Senate Bill No. 179

The motion prevailed.

The following messages from the Governor were received:

Date: March 23, 2006
Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 959 (Public Act No. 76), being

An act to amend 1990 PA 345, entitled “An act to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of an executive director; to provide for a contract for the services of a state geodetic advisor; to create the state survey and remonumentation fund and to provide for its use; to coordinate and implement the monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems; and to provide for certain powers and duties of certain state and local officers and agencies;” by amending section 11 (MCL 54.271).

(Filed with the Secretary of State on March 24, 2006, at 3:11 p.m.)

Date: March 23, 2006
Time: 9:49 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 120 (Public Act No. 78), being

An act to amend 1927 PA 175, entitled “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,” (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

(Filed with the Secretary of State on March 24, 2006, at 3:15 p.m.)

Date: March 23, 2006

Time: 9:51 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 263 (Public Act No. 79), being

An act to amend 1927 PA 175, entitled “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,” (MCL 760.1 to 777.69) by adding section 27c to chapter VIII.

(Filed with the Secretary of State on March 24, 2006, at 3:17 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Commission of Agriculture

Mr. Donald M. Coe, an Independent, of 419 Leeward Trail, Traverse City, Michigan 49686, county of Grand Traverse, succeeding James Maitland, whose term has expired, appointed for a term commencing February 7, 2006 and expiring December 31, 2009.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 182

Yeas—26

Allen	Cropsey	Hardiman	Sanborn
Barcia	Emerson	Jelinek	Sikkema
Birkholz	Garcia	Johnson	Stamas
Bishop	George	Kuipers	Toy

Brown
Cassis
Clarke

Gilbert
Goschka
Hammerstrom

McManus
Patterson

Van Woerkom
Whitmer

Nays—0

Excused—2

Basham

Cherry

Not Voting—10

Brater
Clark-Coleman
Jacobs

Leland
Olshove
Prusi

Schauer
Scott

Switalski
Thomas

In The Chair: President

Senators Allen, McManus and Van Woerkom asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Allen's statement is as follows:

I also rise in support of Don Coe. Don Coe is a resident of Traverse City and a neighbor of mine. He has been an ardent supporter of the agricultural interests and a managing partner in the Black Star Farms. He has specialized in the interests of the grape and wine industry and has been very active in the economic development of our community and our region. He is highly qualified for this position, and I ask the body's support of this individual for his appointment to the Michigan Agriculture Commission.

Senator McManus' statement is as follows:

I also rise in support of Donald Coe. Donald Coe will make a fine addition to the Agriculture Commission. His knowledge will serve this commission very well. He's the kind of individual who can take on tough issues and bring people together and come up with a compromise. He was one of the individuals who helped negotiate the direct shipment of wine to consumers. So he has had a vast short-term knowledge of the Legislature and how it works. He also is a wonderful business owner just down the street from my home in Leelanau County. He has helped to revitalize the value-added agriculture in that community.

So I would just ask that my colleagues support his appointment to the Agriculture Commission.

Senator Van Woerkom's statement is as follows:

I want to recommend Donald M. Coe to the appointment to the Michigan Agriculture Commission. Donald Coe is from Suttons Bay, Michigan. He supervises the Black Star Farms in Suttons Bay. He has a background in the vineyard industry as well as the wine industry, but in our discussions with him in committee, we discovered that he had quite a vast knowledge as far as agricultural issues were concerned. He also had some real depth to his knowledge on those issues.

We're especially pleased with the optimism that he brings toward the agricultural industry. We have a real sense that it's his mission to help build that industry within the state of Michigan. He's had some experience with foreign trade. We look at that as an important market for our crops here in the state of Michigan. He also has had some experience with agricultural tourism on his farm in Suttons Bay.

We think that he would be a tremendous asset for our Agriculture Commission in the state of Michigan, and we urge your support.

The following message from the Governor was received and read:

ADMINISTRATIVE PROCEDURE; CLARIFY RULE OR EXCEPTION TO RULE REGARDING
PRESENCE OR LACK OF COLLECTIVE BARGAINING AGREEMENT WITH EMPLOYEES

HUMAN SERVICES; ADULT FOSTER CARE AND OTHER; PROHIBIT PROMULGATING
RULES OR ESTABLISHING GUIDELINES OR POLICIES GRANTING PREFERENCES TO
REGULATED FACILITIES WITH COLLECTIVE BARGAINING AGREEMENTS WITH EMPLOYEES

March 23, 2006

Today I have vetoed and return without signature Enrolled Senate Bills 1026, 1027, and 1028, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bills would foreclose arbitrarily the ability to assure that senior citizens and the disabled are receiving safe and quality care by well-trained and adequately compensated caregivers.

Furthermore, because the Michigan Constitution of 1963 separates the powers of government among three branches, I have an obligation to defend the Executive Branch from encroachment, just as you seek to defend the prerogatives of the Legislative Branch. If at some point it is determined that administrative rules are needed to assure that workers providing care to senior citizens and the disabled are receiving the wages and benefits necessary to assure quality care and safety, the Administrative Procedures Act of 1969 affords ample opportunity for legislative review and reaction. If it is determined that rules are not needed, I have a responsibility to preserve the ability of a future governor to decide otherwise.

Respectfully,
Jennifer M. Granholm
Governor

These bills were returned from the Governor on March 24, 2006, at 3:15 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

Senator Kuipers entered the Senate Chamber.

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

Senate Bill No. 242

The motion prevailed.

Senate Bill No. 1124, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278a.

The House of Representatives has appointed Reps. Palmer, DeRoche and Hopgood as conferees to join with Sens. Kuipers, Sikkema and Clark-Coleman.

The bill was referred to the Conference Committee on March 27, 2006.

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278a; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Palmer, DeRoche and Hopgood as conferees.

The message was referred to the Secretary for record.

House Bill No. 5675, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b),

section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Van Regenmorter, Hildenbrand and Hopgood as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 599, entitled

A bill to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” (MCL 208.1 to 208.145) by adding section 35e.

Substitute (H-4).

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. 183

Yeas—34

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

Nays—2

Emerson	Leland
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Excused—1

Basham

Not Voting—1

Prusi

In The Chair: President

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

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

Senators Basham, Cherry and Prusi entered the Senate Chamber.

Senate Bill No. 859, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7dd (MCL 211.7dd), as amended by 2003 PA 140.

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. 184

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

House Bill No. 4643, 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 5I (MCL 28.425I), as amended by 2005 PA 262.

Substitute (H-2).

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

Roll Call No. 185**Yeas—33**

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

Nays—5

Brater	Jacobs	Johnson	Scott
Clark-Coleman			

Excused—0**Not Voting—0**

In The Chair: President

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 Brown as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1082, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (S-1).

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

1. Amend page 9, following line 18, by inserting:

“Sec. 242. It is the intent of the legislature that the Michigan community college association, the legislature, and other interested parties continue the discussion regarding payments in lieu of taxes, especially for those community college districts that contain significant portions of nontaxable land.”

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. 1083, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007, to provide for the

expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 8, following line 13, by inserting:
 “Free clinics 100”.
2. Amend page 8, line 14, by striking out “54,909,000” and inserting “54,909,100”.
3. Amend page 8, line 20, by striking out “22,559,600” and inserting “22,559,700”.
4. Amend page 11, line 20, by striking out “3,701,400” and inserting “3,726,400”.
5. Amend page 12, line 3, by striking out “\$36,204,400” and inserting “\$36,229,400”.
6. Amend page 12, line 10, by striking out “\$1,380,200” and inserting “\$1,405,200”.
7. Amend page 17, line 6, by striking out “186,448,100” and inserting “186,423,100”.
8. Amend page 17, line 13, by striking out “6,856,800,800” and inserting “6,856,775,800”.
9. Amend page 17, line 17, by striking out “\$7,223,928,300” and inserting “\$7,223,903,300”.
10. Amend page 17, line 25, by striking out “\$1,486,851,100” and inserting “\$1,486,826,100”.
11. Amend page 18, line 16, after “is” by striking out “\$1,288,467,900.00” and inserting “\$1,288,492,900.00”.
12. Amend page 20, line 7, by striking out “370,600” and inserting “395,600”.
13. Amend page 21, line 6, by striking out “\$1,288,467,900” and inserting “\$1,288,492,900” and adjusting the subtotals, totals, and section 201 accordingly.
14. Amend page 61, following line 16, by inserting:
 “Sec. 1008. From the funds appropriated in part 1 for the diabetes and kidney program, \$25,000.00 shall be allocated for a diabetes management pilot project in Muskegon County.”.

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. 1085, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (S-1).

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

1. Amend page 3, line 12, by striking out “2,840,600” and inserting “2,840,700”.
2. Amend page 3, line 20, by striking out “1,318,000” and inserting “1,318,100” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 17, following line 7, by inserting:
 “Sec. 304. From the amount appropriated in part 1 to state board/superintendent operations, not more than \$100.00 shall be expended for a study by the state board of education to advise the legislature and the governor of local, state, and national best practices in education. The study is to review best practices at all levels of the public education process that encourage effective and efficient organization of schools and support improvement in academic achievement. The study should focus on the delivery of public school programs through school organization and services.”.

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. 1082

Senate Bill No. 1083

Senate Bill No. 1085

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. 1082**
- Senate Bill No. 1083**
- Senate Bill No. 1085**
- House Bill No. 5256**
- House Bill No. 5497**
- Senate Bill No. 709**
- Senate Bill No. 717**
- Senate Bill No. 718**
- Senate Bill No. 1122**
- Senate Bill No. 1146**
- Senate Bill No. 1147**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1082, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 186

Yeas—36

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

Nays—2

Emerson	Patterson
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Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The question being on the motion to reconsider,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1083, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Clarke offered the following amendments:

1. Amend page 4, line 16, by striking out “302,772,300” and inserting “317,772,300”.
2. Amend page 5, line 6, by striking out “2,437,784,800” and inserting “2,452,784,800”.
3. Amend page 5, line 13, by striking out “1,140,896,600” and inserting “1,155,896,600” and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 47, line 21, by striking out all of section 459.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Cherry offered the following amendment:

1. Amend page 33, following line 15, by inserting:

“Sec. 270. By October 15, 2006, the department shall provide to the senate and house appropriations subcommittees on community health and the senate and house fiscal agencies a list of general fund/general purpose budget cuts sufficient to reduce departmental general fund/general purpose spending by 20.0% in the fiscal year 2006-2007 if legislation is enacted to eliminate the single business tax by December 31, 2007.”.

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. 187

Yeas—15

Barcia	Clark-Coleman	Olshove	Switalski
Basham	Clarke	Prusi	Thomas
Brater	Jacobs	Schauer	Whitmer
Cherry	Leland	Scott	

Nays—20

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

Excused—0

Not Voting—3

Emerson	Kuipers	Sikkema
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In The Chair: Birkholz

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

Senator Emerson entered the Senate Chamber.

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. 188**Yeas—33**

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

Nays—5

Clark-Coleman	Patterson	Scott	Toy
Emerson			

Excused—0**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.
Senator Hammerstrom moved to reconsider the vote by which the bill was passed.
The question being on the motion to reconsider,
Senator Hammerstrom moved that further consideration of the bill be postponed for today.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1085, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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. 189**Yeas—38**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The question being on the motion to reconsider,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 5256, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3020 (MCL 500.3020), as amended by 1998 PA 410.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 2, following line 20, by inserting:

“(E) FOR AUTOMOBILE INSURANCE, THAT AN INSURER SHALL NOT INCREASE PREMIUMS FOR AUTOMOBILE INSURANCE UNLESS THE INSURER MAILES TO THE INSURED AT THE INSURED’S ADDRESS LAST KNOWN TO THE INSURER OR AN AUTHORIZED AGENT OF THE INSURER, WITH POST-AGE FULLY PREPAID, A NOT LESS THAN 60 DAYS’ WRITTEN NOTICE OF THE PREMIUM INCREASE.”.

The question being on the adoption of the amendment,

Point of Order

Senator Bishop raised the Point of Order that the amendment was not germane to the bill because the bill amends Section 3020 of the Insurance Code dealing with medical malpractice insurance and the amendment amends Section 2102 dealing with automobile insurance.

The President pro tempore, Senator Birkholz, ruled that the amendment was not germane.

Senator Schauer appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Schauer requested the yeas and nays.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

Roll Call No. 190

Yeas—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas

Brown
Cassis
Cropsey

Goschka
Hammerstrom
Hardiman

McManus
Patterson

Toy
Van Woerkom

Nays—16

Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi
Schauer

Scott
Switalski
Thomas
Whitmer

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Clark-Coleman offered the following amendments:

1. Amend page 2, line 2, after “**IN**” by striking out “**SUBDIVISION (D)**” and inserting “**SUBDIVISIONS (D) AND (E)**”.

2. Amend page 2, following line 20, by inserting:

“(E) FOR AUTOMOBILE INSURANCE, THAT AN INSURER MAY REFUSE TO RENEW OR CANCEL AN AUTOMOBILE INSURANCE POLICY ONLY BY MAILING TO THE INSURED AT THE INSURED’S ADDRESS LAST KNOWN TO THE INSURER OR AN AUTHORIZED AGENT OF THE INSURER, WITH POSTAGE FULLY PREPAID, A NOT LESS THAN 60 DAYS’ WRITTEN NOTICE OF REFUSAL TO RENEW OR CANCELLATION.”.

The question being on the adoption of the amendments,

Point of Order

Senator Bishop raised the Point of Order that the amendments were not germane to the bill because the bill amends Section 3020 of the Insurance Code dealing with medical malpractice insurance and the amendments amend Section 2102 dealing with automobile insurance.

The President pro tempore, Senator Birkholz, ruled that the amendment was not germane.

Senator Schauer appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Schauer requested the yeas and nays.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

Roll Call No. 191

Yeas—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—16

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

Excused—0**Not Voting—0**

In The Chair: Birkholz

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. 192**Yeas—35**

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

Nays—0**Excused—0****Not Voting—3**

Emerson	Kuipers	Sikkema
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In The Chair: Birkholz

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 classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations,

associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5497, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2005 PA 247.

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. 193

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Emerson

Sikkema

In The Chair: Birkholz

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

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was 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 classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

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

The following bill was read a third time:

Senate Bill No. 709, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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. 194

Yeas—36

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

Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Toy
Van Woerkom
Whitmer

Nays—0

Excused—2

Emerson

Sikkema

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 717, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2005 PA 304.

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. 195

Yeas—36

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—2

Emerson

Sikkema

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 718, 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 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. 196

Yeas—36

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

Nays—0

Excused—2

Emerson	Sikkema
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1122, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 36 (MCL 791.236), as amended by 2003 PA 75.

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. 197

Yeas—36

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

Nays—0

Excused—2

Emerson

Sikkema

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1146, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 199 (MCL 750.199).

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. 198

Yeas—36

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—2

Emerson

Sikkema

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Sikkema and Emerson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1147, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16j of chapter XVII (MCL 777.16j), as added by 1998 PA 317.

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. 199

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Brown as Chairperson.

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

Senate Bill No. 1115, entitled

A bill to prescribe certain duties of the department of state police with respect to certain illegal drug manufacturing laboratories.

Senate Bill No. 1119, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2975.

Senate Bill No. 1117, entitled

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

Senate Bill No. 1120, entitled

A bill to amend 1957 PA 185, entitled "An act to authorize the establishing of a department and board of public works in counties; to prescribe the powers and duties of any municipality subject to the provisions of this act; to authorize the incurring of contract obligations and the issuance and payment of bonds or notes; to provide for a pledge by a municipality of its full faith and credit and the levy of taxes without limitation as to rate or amount to the extent necessary; to validate obligations issued; and to prescribe a procedure for special assessments and condemnation," by amending sections 13 and 25 (MCL 123.743 and 123.755), section 25 as amended by 2002 PA 407.

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. 1116, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3 and 8 (MCL 722.623 and 722.628), section 3 as amended by 2002 PA 693 and section 8 as amended by 2004 PA 195.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 110

The resolution consent calendar was adopted.

Senator Cherry offered the following resolution:

Senate Resolution No. 110.

A resolution to recognize April 2-8, 2006, as Public Health Week in Michigan.

Whereas, The Michigan Constitution, Article IV, Section 51, states, "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern."; and

Whereas, Michigan's Public Health Code, 1978 PA 368, provides a broad and comprehensive set of programs and activities to promote and protect the public's health; and

Whereas, Many individuals and organizations strive tirelessly to make Michigan a healthier place to live, work, and learn; and

Whereas, It is important that we recognize the contributions of those individuals and organizations toward making Michigan a healthier place to live; now, therefore, be it

Resolved by the Senate, That April 2-8, 2006, be hereby recognized as Public Health Week in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Community Health, the Michigan Association for Local Public Health, the Michigan Public Health Association, the Governor's Council on Fitness and Health, the University of Michigan School of Public Health, and Michigan's 2006 Hometown Health Heroes in recognition of their important and ongoing commitment to keeping Michigan healthy.

Senators Brater, Cassis, Clarke, Goschka, Jacobs, Olshove, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senate Resolution No. 103.

A resolution to urge the Department of Natural Resources to work with the federal government and neighboring states to implement the most aggressive means of controlling the double-crested cormorant population pursuant to authority extended by the United States Fish and Wildlife Service.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Allen, Van Woerkom and Stamas asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Allen's statement is as follows:

I also rise in support of this resolution. Representing Michigan's eastern Upper Peninsula and northern Michigan, we have seen a significant impact on the economics of this invasive species. What we have seen is a significant decline in the perch population and a significant amount of pressure on the tourism business, especially in Michigan's eastern Upper Peninsula.

As this population of invasive birds has continued to expand, we've seen the young fry and the midsize perch, specifically, be decimated and in a decline. In the eastern U.P., we have gone from seven different fishing communities that have worked to attract outdoors people to enjoy our out-of-doors down to one. So I really support this resolution and compliment my colleague from the 36th District on his efforts.

Senator Van Woerkom's statement is as follows:

I would like to support the previous speaker on this resolution. As he said, the cormorants really are not native birds to the state of Michigan. They are protected by the federal government, and we need some help from the federal government in controlling these birds. These birds come in and clean out various fisheries and leave quite a mess when they're done. We're very hopeful that we can find a suitable means for reducing the population of cormorants in the state of Michigan.

Senator Stamas' statement is as follows:

For those of you who are familiar with this bird, there are few issues, especially in my area of northern Michigan, that evoke such strong emotion. These federally-protected birds have decimated fish populations all along Michigan's waterfront, and in the process, having a dramatic negative effect on tourism in northern Michigan and many other regions in the state. Obviously, when there are no fish, the fishermen stay home. They don't purchase fishing licenses, and they don't travel around our state.

Now I understand the DNR has completed a population report on the cormorant and has also done some test areas in terms of controlling the population, but we need to make sure that we move forward with immediate action. So I would urge my colleagues to join me in supporting this resolution.

Senate Resolution No. 66.

A resolution to express support for the efforts of the Department of History, Arts, and Libraries, the State Historic Preservation Office, and Presque Isle Township to reinstall the historic Fresnel Lens in the Presque Isle Lighthouse Tower.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Allen's statement is as follows:

We appreciate the support of this body and ask for continued support on the re-establishment of the historic Fresnel Lens to be replaced at the top of the lighthouse. This lens is very unique, it is very historic, and it's over a century old. It has been repaired, rebuilt lovingly by volunteers, and it is appropriate that the federal government allow this to be reinstalled to replace sort of a nonhistoric light that has been put in there, similar to an aircraft beacon.

I ask this body's support of this resolution and thank the volunteers who have lovingly restored this historic Fresnel light.

Introduction and Referral of Bills

Senators Goschka, Brater and Birkholz introduced

Senate Bill No. 1193, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 16345, 18301, 18303, 18305, 18307, and 18309 (MCL 333.16263, 333.16345, 333.18301, 333.18303, 333.18305, 333.18307, and 333.18309), section 16263 as amended by 2004 PA 97, section 16345 as added and section 18305 as amended by 1993 PA 79, and sections 18301, 18303, 18307, and 18309 as added by 1988 PA 473, and by adding sections 18313 and 18315.

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

Senators Stamas and Goschka introduced

Senate Bill No. 1194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20120e.

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

Senators Brown, Switalski, Patterson, Goschka, Johnson, Cassis, Olshove and Birkholz introduced

Senate Bill No. 1195, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m; 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 Transportation.

Senators Sanborn, Birkholz, Cropsey, Gilbert, Hardiman, Goschka, Johnson, Cassis, Stamas, Kuipers, Bishop, McManus, Emerson, Olshove, Patterson and Cherry introduced

Senate Bill No. 1196, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 40a (MCL 791.240a), as amended by 1993 PA 346.

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

House Bill No. 4486, entitled

A bill to repeal 1899 PA 188, entitled "Michigan estate tax act," (MCL 205.201 to 205.256).

The House of Representatives has passed the bill.

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

House Bill No. 4487, entitled

A bill to amend 1979 PA 72, entitled "An act to require the governor to report certain tax information with the annual budget message to the legislature," by repealing section 8 (MCL 21.278).

The House of Representatives has passed the bill.

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

House Bill No. 4488, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 13 (MCL 205.13), as amended by 1996 PA 479.

The House of Representatives has passed the bill.

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

House Bill No. 4489, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 79 (MCL 205.779).

The House of Representatives has passed the bill.

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

House Bill No. 4490, entitled

A bill to amend 1939 PA 330, entitled "An act to provide for access to, removal of contents from, surrender of, and discharge of liability of lessor of safe deposit boxes or compartments rented to 2 or more persons by either or any 1 of

such persons or the survivor or survivors of them, unless otherwise provided in the safe deposit box or compartment rental agreement,” by amending section 1 (MCL 487.721), as amended by 1994 PA 370.

The House of Representatives has passed the bill.

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

House Bill No. 4491, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 2517 and 3912 (MCL 700.2517 and 700.3912), section 2517 as amended by 2000 PA 177.

The House of Representatives has passed the bill.

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

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 2511.

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. 5811, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 3 (MCL 445.113), as amended by 2002 PA 612.

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 Technology and Energy.

Statements

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

The motion prevailed.

Senator George’s statement is as follows:

I wanted to talk a little bit about our Community Health budget that we passed today, and I wanted to thank the chair of the committee for doing such a great job. But I didn’t want the opportunity to go without some comments on that budget and on the issue of the day, the real issue that’s facing Michigan. It’s affecting the state budget, it affects our employers, and that is our poor state of public health. I know many of you will recall that the administration published the results of the Altarum study in 2003, showing how our unhealthy lifestyles added to the cost of health care.

I wanted to point out another study that we have. This one was reported two years ago. It was the Michigan Surgeon General’s health status report, “Healthy Michigan 2010,” where the Surgeon General concludes that the unhealthy lifestyles of Michigan’s residents have led to higher rates of obesity, heart disease, and other chronic disease rates. Each of these factors has led to an increase in the cost of health care throughout the state. In this report, the Surgeon General set targets for us to attempt to achieve. I want to give you a couple of the targets as examples. The Surgeon General says we should reduce the rate of death from breast cancer in Michigan by 20 percent by 2010; we should reduce the rate of death from cervical cancer by 20 percent; of prostate cancer by 10 percent; and the rate of death from heart disease by 40 percent. These are targets the administration set for us to achieve in 2010. The administration says we should reduce the rate of smoking from 23 percent to 12 percent. That’s nearly a 50 percent reduction, for example. There’s a whole series of these health targets.

My question to the administration and to you is how will we achieve these targets? We have these grand targets set for us, and they’ve been sitting there for two years. What kind of progress have we made and how will we possibly achieve them by 2010? Now last year we asked the department to undertake some measures to encourage healthy behaviors within the Medicaid population. They basically said, “Well, we don’t think we can do that. We don’t think we can get a waiver for that. We don’t think we can institute that within a year’s time. We don’t want to put that in the budget.” This was last year. So they didn’t.

So a year has passed, and I know we are going to be struggling with budgets tomorrow and then when we come back after break. We’re going to have education budgets and State Police and higher education, and we have all of our

priorities for funding things. Some of us are going to say, “Well, I can’t vote for that budget because there’s not enough money in it for my schools or for my district.” Or “I’m going to vote for it, but I’m reluctant to. I wish there was more money there for my priorities.”

I ask you to consider how much more there would be if we had taken action a year ago, as we requested, to look for a waiver, to institute measures to incentivize our Medicaid recipients.

So once again in this budget, we have a similar list of ideas for a Medicaid waiver. The department says, “Well, this time we can get a waiver to expand Medicaid. We’re going to get a billion dollars from the federal government and we’re going to cover more people.” The department showed off the fancy postcard that they had made. It’s a nice postcard that they are going to mail out to Medicaid recipients telling them that they should work to be healthier.

I think we need to do a lot more, colleagues. We have language in here calling on the department to institute a durable goods purchasing program to institute differential co-pays and premiums for recipients and for the health plans to incentivize them, to reward them if they can keep the recipients healthier.

So I hope this time around the department is more receptive of our proposals. It really is the issue of the day, the issue for our generation. How are we going to take care of ourselves, our parents, our families, and our constituents? How are we going to provide them with health care? The goal isn’t to simply have insurance. The goal is greater than that. It is to have a healthy population. If we want to have a solvent budget and grow our economy, then we need to take those types of actions.

Senator Scott’s statement is as follows:

I would just like the members to know that I have met with staff from both the Department of Corrections and Community Health about a collaborative effort to address the serious health problems of hepatitis C in our communities. I had hoped to have some boilerplate language inserted today in this budget, the community mental health budget, but it looks like I may have to work with my colleagues in the House, as I simply was not able to make it happen within the time frame. So I ask for your support as this effort develops.

Also I have a letter from one of my constituents. It says, “Dear Senator Martha G. Scott: Insurance redlining in the city of Detroit is painful financially and mentally. Insurance companies redline the citizens who least can afford their astronomical monthly fees. Insurance companies redline communities that have historically been the largest financial backers of their now Fortune 500 companies. Insurance companies redline families who are most in need of financial benefits after a tragedy. Insurance companies redline neighborhoods that are blighted from abandoned cars towed from the suburbs and the neglected homes owned by absentee landlords and diminishing city services. Why should we pay more for living within city limits? Do we live in the same city the suburban communities got their start from? Don’t we live in the same city the suburban communities make their money in? Then why are insurance companies redlining us? Don’t we deserve the same respect suburbanites do? Sincerely, a concerned taxpayer and insurance carrier living in the city of Detroit.”

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 582, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending sections 46 and 49 (MCL 24.246 and 24.249), section 46 as amended by 1999 PA 262 and section 49 as amended by 2004 PA 23.

With the recommendation that the bill pass.

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Jacobs and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5813, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 381 (MCL 168.381), as amended by 2005 PA 71.

With the recommendation that the bill pass.

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Jacobs and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 1167, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," (MCL 285.301 to 285.304) by adding section 2b. 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.

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senator Whitmer

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 1168, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and section 2 (MCL 285.302).

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.

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senator Whitmer

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 1169, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," (MCL 285.301 to 285.304) by adding section 2a. 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.

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senator Whitmer

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 777, entitled

A bill to amend 1965 PA 329, entitled "Michigan seed law," (MCL 286.701 to 286.716) by amending the title, as amended by 1988 PA 455, and by adding section 14; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Gerald Van Woerkom

Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senators Brater and Whitmer

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:
 Meeting held on Wednesday, March 22, 2006, at 9:00 a.m., Room 110, Farnum Building
 Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Whitmer

The Committee on Health Policy reported

Senate Resolution No. 101.

A resolution to memorialize the United States Congress to provide flexible funding to help states and local communities clean up and deal with the disastrous effects of clandestine methamphetamine labs.

(For text of resolution, see Senate Journal No. 21, p. 361.)

With the recommendation that the following substitute (S-2) be adopted and that the resolution then be adopted:

A resolution to memorialize the United States Congress to provide funding to help states and local communities clean up and address the disastrous effects of clandestine methamphetamine labs.

Whereas, There is a meth epidemic in the United States, and it is having a devastating effect on our country. Meth abuse is causing social, economic, and environmental problems. Children residing in homes with meth labs live in danger and often suffer from neglect and abuse. Meth production costs citizens and governments millions of dollars for a variety of reasons, including law enforcement costs, drug treatment for offenders, cleanup of production sites, and placement of endangered children; and

Whereas, Meth labs leave behind a toxic mess of chemicals and pose a significant danger to communities. The manufacture of one pound of methamphetamine results in six pounds of waste. These wastes include corrosive liquids, acid vapors, heavy metals, solvents, and other harmful materials that can disfigure skin or cause death. Hazardous materials from meth labs are typically disposed of illegally and may cause severe damage to the environment; and

Whereas, Between 1992 and 2004, the number of clandestine meth lab-related cleanups increased from 394 to over 10,000 nationwide. The cost of cleaning up clandestine labs in FY 2004 was approximately \$17.8 million; and

Whereas, States and local governments are bearing the burden of funding the cleanup efforts. Many local communities are finding and seizing meth labs. The lab sites remain dangerous to the public, however, because neither the state or the local community has adequate funding to clean them up; and

Whereas, The Combat Meth Act of 2005, which was recently signed into law as a part of the USA Patriot Improvement and Reauthorization Act of 2005, authorizes cleanup funding, but only for areas designated "Meth Hot Spots." The meth epidemic is a national crisis, however, and scores of states and local governments across the country are in dire need of funding to help clean up clandestine labs; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to provide funding for meth lab cleanup that is available to all states and local governments that are in the midst of the meth epidemic; 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.

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Whitmer and Jacobs

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Health Policy reported

Senate Bill No. 1113, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12103 (MCL 333.12103), as amended by 1985 PA 17.

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.

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Whitmer and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 1114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101 (MCL 324.20101), as amended by 1996 PA 383.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Whitmer and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 1112, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 85a (MCL 125.485a), as added by 2003 PA 307.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Whitmer and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, March 22, 2006, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Patterson, George, Whitmer and Jacobs

The Committee on Education reported

Senate Bill No. 1184, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1752.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, March 23, 2006, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom and Clark-Coleman

Excused: Senator Leland

The Committee on Appropriations reported
Senate Concurrent Resolution No. 40.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and St. Clair County Community College relative to the St. Clair County Community College General Campus Renovations.

(For text of resolution, see Senate Journal No. 23, p. 400.)

With the recommendation that the concurrent resolution be adopted.

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 concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 1082, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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, 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.

The Committee on Appropriations reported

Senate Bill No. 1083, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007, to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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, 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.

The Committee on Appropriations reported

Senate Bill No. 1084, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to

provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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, 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.

The Committee on Appropriations reported

Senate Bill No. 1085, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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, 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.

The Committee on Appropriations reported

Senate Bill No. 1086, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senator Garcia

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. 1088, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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, George and Barcia

Nays: Senators Prusi, 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. 1095, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32l, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11f, 11g, 11j, 15, 18, 19, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, and 54a as added by 2005 PA 155, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, section 20d as amended by 1997 PA 93, sections 25a and 161a as added by 1998 PA 553, and section 121 as amended by 1995 PA 130, and by adding sections 22e, 24a, 24c, 29, 32, 32b, 34, 35, 64, 65, 66, 99c, and 104; and to repeal acts and parts of acts.

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, George, Prusi, Barcia, Cherry, Clarke and Switalski

Nays: Senator Scott

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 Wednesday, March 22, 2006, at 2:30 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 Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, March 23, 2006, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Whitmer

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, March 23, 2006, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Thursday, March 23, 2006, at 12:48 p.m., Room 519, South Tower, House Office Building

Present: Senators Gilbert (C), Kuipers, Leland and Basham

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Oversight of the 21st Century Jobs Funds (SCR 38) submitted the following:

Meeting held on Thursday, March 23, 2006, at 1:30 p.m., Room 327, South Tower, House Office Building

Present: Senators Garcia (C), Bishop, Gilbert and Switalski

Scheduled Meetings

21st Century Jobs Funds Joint Select Oversight Committee (SCR 38) - Thursday, March 30, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2420)

Agriculture, Forestry and Tourism - Thursday, March 30, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursdays, April 20, April 27, May 4, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

Capital Outlay - Thursday, March 30, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Family Independence Agency - Wednesday, March 29, 8:30 a.m., Room 210, Farnum Building (373-1801)

State Police and Military Affairs - Thursdays, April 20, April 27, May 4, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

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

Conference Committees -

High School Curriculum Requirements (HB 5606) - Wednesday, March 29, 10:00 a.m., Rooms 402 and 403, Capitol Building (373-0843)

Required High School Curriculum (SB 1124) - Wednesday, March 29, 10:00 a.m., Rooms 402 and 403, Capitol Building (373-6920)

Economic Development, Small Business and Regulatory Reform - Wednesday, March 29, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, March 29, 12:00 noon, Room 110, Farnum Building (373-1758)

Gaming and Casino Oversight - Wednesday, March 29, 1:00 p.m., Room 210, Farnum Building (373-2413)
(CANCELED)

Health Policy - Wednesday, March 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Technology and Energy - Wednesday, March 29, 3:00 p.m., Room 210, Farnum Building (373-7350)

Transportation, Senate/House - Thursday, March 30, 12:30 p.m., Room 519, South Tower, House Office Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:26 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, March 29, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate