

No. 7
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, January 31, 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—excused
Kuipers—present
Leland—present
McManus—present

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

Pastor Tom Teall of Calvary Baptist Church of West Branch offered the following invocation:

Heavenly Father, great Creator, God of the universe, we stand in awe of You again this morning. We thank You for Your grace and mercy that is new and fresh every day in our lives. We pause to thank You for our great country and our great state.

Lord, may our Senators know that we hold them in very high regard. May they know, again, in a new and fresh way, this morning that we also hold them up in our prayers. When I think of them, I can't help but think of our Founding Fathers and the fact that they were impressed, as I see it, with two things. One, they were impressed with You, God. Your sovereignty, the fact that You are in control of all things, and then beyond that, You are intimately involved in the affairs of men—amazing. They were also very much aware of their accountability to You, and this is certainly a great reminder for all of us this morning. They also were impressed with Your Word. We thank You for the Bible. We thank You for the principles and precepts upon which our country and our state have been founded. I pray that we would be ever faithful to those.

Lord, we sure love and appreciate our public servants. I pray that You would continue to bless them in a great way. May You equip them every day for the tasks that lie before them. May they indeed be guided by Thee.

We thank You as well for Your Son this morning, the Lord Jesus Christ, as we've just come through another blessed Christmas season where even the world pauses to recognize and celebrate the birth of Christ. The Word of God makes clear as to why He came, for the Son of God has come to seek and to save those who are lost. We need Him because of our sin. He is the one and only Savior. We appreciate and revel in the salvation that we have in Him, rich and free, as we put our faith and trust in Him.

It's a wonderful day that You have gifted us and blessed us. Thank You for the breath of life. May You find us a people who are faithful to You and to the principles and precepts of Your Word. I thank You, Lord, for each Senator. I thank You for our Governor and our Lieutenant Governor. I pray that Your special hand of blessing be upon them. Thank You for Tony Stamas and his hospitality to us today. May it be a great day as we think about You and seek to be guided by Thee.

We pray this prayer humbly before our great God. In the name of His Son and our Savior, the Lord Jesus Christ. Amen.

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

Motions and Communications

Senators Clark-Coleman and Scott entered the Senate Chamber.

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

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

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

House Bill No. 5448

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

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

January 30, 2006

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Keith Charters to the Natural Resources Commission, and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Ken Sikkema, Chairman
Senate Government Operations Committee

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

December 19, 2005

In accordance with the provisions of MCL 24.248 this is to advise you that the Department of Labor and Economic Growth, Office of Policy and Legislative Affairs filed at 3:16 p.m. this date, administrative rule (05-12-06E) for the Department of Military and Veterans Affairs, entitled "*Military Family Relief Fund.*" These rules take effect upon filing with the Secretary of State and shall remain in effect for 180 days.

January 13, 2006

In accordance with provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 1:12 p.m. this date, administrative rule (06-01-01) for the Department of Environmental Quality, Water Bureau, entitled "*Water Resources Protection, Part 8. Water Quality-Based Effluent Limit Development for Toxic Substances.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 13, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 1:14 p.m. this date, administrative rule (06-01-02) for the Department of Environmental Quality, Water Bureau, entitled "*Water Resources Protection, Part 4. Water Quality Standards.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

January 25, 2006

Enclosed is a copy of the following audit report:
Follow-up on the performance audit of Undistributed and Undistributable Child Support Collections, Child Support Program, Office of Child Support, Family Independence Agency.

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

The communication was referred to the Secretary for record.

The following communication was received:
Automobile Theft Prevention Authority

January 30, 2006

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2005 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature. If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Tadarial J. Sturdivant
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, January 26:
House Bill Nos. 4976 5045 5559

The Secretary announced that the following official bills were printed on Thursday, January 26, and are available at the legislative website:

Senate Bill Nos. 1004 1005 1006
House Bill Nos. 5511 5512 5513 5514

The Secretary announced that the following official bills were printed on Friday, January 27, and are available at the legislative website:

Senate Bill Nos. 1007 1008 1009 1010 1011 1012 1013 1014 1015

Messages from the Governor

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

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

The motion prevailed.

The following messages from the Governor were received and read:

January 26, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18, MCL 445.2011:

Worker's Compensation Board of Magistrates

Mr. Kenneth A. Birch of 4777 Wilcox Road, Holt, Michigan 48842, county of Ingham, succeeding Melody Paige, whose term has expired, appointed for a term commencing February 13, 2006 and expiring January 26, 2010.

Mr. Garry L. Goolsby of 914 West Ionia, Lansing, Michigan 48915, county of Ingham, succeeding L'Mell M. Smith, whose term has expired, appointed for a term commencing January 27, 2006 and expiring January 26, 2010.

Mr. Michael T. Harris of 4175 Indian Glen, Okemos, Michigan 48864, county of Ingham, succeeding Michael J. Theile, who has resigned, appointed for a term commencing January 27, 2006 and expiring January 26, 2009.

Mr. James J. Kent of 1415 Fair Oaks Court, East Lansing, Michigan 48823, county of Ingham, succeeding Crary R. Grattan, whose term has expired, appointed for a term commencing January 30, 2006 and expiring January 26, 2010.

Ms. Jan C. Leventer of 6300 Dakota Circle, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Mary Brennan, whose term has expired, appointed for a term commencing February 6, 2006 and expiring January 26, 2010.

Ms. Beatrice B. Logan of 17171 Quincy Street, Detroit, Michigan 48221, county of Wayne, succeeding Donna Grit, whose term has expired, appointed for a term commencing January 30, 2006 and expiring January 26, 2010.

Mr. Victor A. McCoy of 20709 Midway, Southfield, Michigan 48075, county of Oakland, succeeding Michael Harris, whose term has expired, appointed for a term commencing February 13, 2006 and expiring January 26, 2010.

Mr. John M. Wierzbicki of 10704 Nadine Avenue, Huntington Woods, Michigan 48070, county of Oakland, succeeding Kenneth Block, whose term expired January 26, 2003, appointed for a term commencing January 27, 2006 and expiring January 26, 2007.

Mr. John P. Baril of 603 Emmons, Lincoln Park, Michigan 48146, county of Wayne, reappointed for a term commencing January 27, 2006 and expiring January 26, 2010.

Ms. Carol R. Guyton of 5231 Lannoo Street, Detroit, Michigan 48236, county of Wayne, reappointed for a term commencing January 27, 2006 and expiring January 26, 2010.

Mr. Richard J. Zettel of 12359 Moers Drive, Sterling Heights, Michigan 48313, county of Macomb, reappointed for a term commencing January 27, 2006 and expiring January 26, 2010.

January 26, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 302 and 1202 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1202:

Michigan Board of Cosmetology

Ms. Andrea F. Blankinship of 5403 Winshall Drive, Swartz Creek, Michigan 48473, county of Genesee, succeeding Robert E. Willis, whose term has expired, representing cosmetologists, for a term commencing January 26, 2006 and expiring December 31, 2009.

Ms. Edith A. Marshall of 15304 Charles R, Eastpointe, Michigan 48021, county of Macomb, reappointed to represent cosmetologists, expiring December 31, 2009.

January 26, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17521:

Michigan Board of Osteopathic Medicine and Surgery

Mr. Steven A. Acker, D.O., of 505 Highland Road, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Frank D. Winters, whose term has expired, representing physicians, for a term commencing January 26, 2006 and expiring December 31, 2009.

Ms. Kathleen M. Carney of 6294 Kinyon Drive, Brighton, Michigan 48116, county of Livingston, succeeding Patricia A. Labelle, whose term has expired, representing the general public, for a term commencing January 26, 2006 and expiring December 31, 2008.

January 27, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 6 of the Michigan Tobacco Settlement Finance Authority Act, 2005 PA 226, MCL 129.266:

Michigan Tobacco Settlement Finance Authority Board of Directors

Mr. Stephen N. Cassin of 43952 Rivergate Drive, Clinton Township, Michigan 48038, county of Macomb, appointed to represent individuals with knowledge, skill, or experience in the business or financial fields, for a term commencing January 27, 2006 and expiring December 15, 2006.

Mr. Donald H. Gilmer of 7021 North 46th Street, Augusta, Michigan 49012, county of Kalamazoo, nominated by the Senate Majority Leader to represent individuals with knowledge, skill, or experience in the business or financial fields, for a term commencing January 27, 2006 and expiring December 15, 2008.

Mr. John G. Russell of 6254 Pine Hollow Drive, East Lansing, Michigan 48823, county of Ingham, appointed to represent individuals with knowledge, skill, or experience in the business or financial fields, for a term commencing January 27, 2006 and expiring December 15, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Garcia entered the Senate Chamber.

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate 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 Bishop as Chairperson.

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

House Bill No. 5448, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

Substitute (S-1).

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

1. Amend page 3, line 2, by striking out "**SUBSECTION (1)(B)**" and inserting "**SUBDIVISION (B)**".
2. Amend page 8, line 6, after "**UNDER**" by striking out "**SUBSECTION (4)**" and inserting "**THIS SECTION**".
3. Amend page 10, line 7, by inserting "**THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OR**".
4. Amend page 10, line 10, after "**ON**" by inserting "**THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OR**".
5. Amend page 10, line 27, after "**UNDER**" by striking out "**SUBSECTION (4)**" and inserting "**THIS SECTION**".
6. Amend page 11, line 6, after "**UNDER**" by striking out "**SUBSECTION (4)**" and inserting "**THIS SECTION**".
7. Amend page 11, line 19, after "**UNDER**" by striking out "**SUBSECTION (4)**" and inserting "**THIS SECTION**".
8. Amend page 11, line 25, after "**INCORRECT.**" by striking out the balance of the subparagraph.
9. Amend page 12, line 6, after "**(6)**" by striking out the balance of the line through "**SECTION,**" on line 7.
10. Amend page 14, line 16, after "**SUBSECTION (1)(D).**" by inserting "**REPORTING OF AN ARRAIGNMENT UNDER THIS SUBDIVISION IS NOT CAUSE FOR TERMINATION OR DENIAL OF EMPLOYMENT.**".
11. Amend page 18, line 5, after "effect" by striking out the balance of the enacting section and inserting "April 1, 2006, since the department has secured the necessary federal approval to utilize federal funds to reimburse those facilities for the costs incurred for requesting a national criminal history check to be conducted by the federal bureau of investigation and the department has filed written notice of that approval with the secretary of state."

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:

House Bill No. 5168, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109, and by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

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

House Bill No. 5448

House Bill No. 5168

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. 567

Senate Bill No. 568

Senate Bill No. 911

House Bill No. 5104

Senate Bill No. 779

Senate Bill No. 932

House Bill No. 5448

House Bill No. 5168

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 567, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," (MCL 252.301 to 252.325) by adding section 7a.

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. 40

Yeas—22

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

Nays—14

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Basham and Leland, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 567 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Basham's statement is as follows:

With these bills, the purpose of the billboard act is being modified. The focus used to be on preserving and enhancing scenic beauty along our highways. Now it will be on identifying billboards as serving an important business need above nature.

The bills give billboard operators almost complete control through a vegetation control permit and to remove vegetation on state highways and freeway rights-of-way wherever there is a billboard. Removal of vegetation would only be limited by the billboard owners' willingness to pay for shade trees. Vegetation other than shade trees has value for aesthetics, privacy, erosion, sedimentation control, habitat, and soil stabilization, but all such vegetation could be removed from state land by billboard owners without compensation to the state. There is little or no penalty for removing vegetation even outside of the perimeters of the permit. Once they get a permit, owners can ignore it. They can remove whatever they want with no penalty except to pay twice the value of any shade trees removed. The permit cannot be canceled by MDOT, the folks who are responsible for our highways. If the owner fails to follow his or her own plan, billboard crews would now have the ability to operate on state rights-of-way with no mention of safety concerns. There could be conflict here with federal law or rule. The cap on billboards in this package does not even stop construction of new billboards.

Finally, there is a sunset on the new provision trying to cap the number of billboards, but no sunset on the vegetation control permit legislation. Without change, when the cap sunsets, we could not only see an explosion of new billboards, but a related decimation of vegetation along our freeways.

For these reasons and others, the Michigan Environmental Council, Scenic Michigan, and MDOT all oppose this package as written right now. There is room for compromise and no reason this needs to move today. I may be able to support this package with some changes, but as written, I will be voting "no" and I would urge other colleagues to do the same.

Senator Leland's first statement is as follows:

The concept behind these bills is a good one. The implementation of that concept in these bills, so far, is not. Senate Bill No. 567 purports to institute a cap on billboards. However, it does nothing to stop the building of new billboards. Any current billboard owner can take down a current board, and this bill allows them to put up a new board in any location they choose. If the new location has lots of trees and shrubs, all the owner has to do is file a vegetation plan and remove whatever is in their way.

Senate Bill No. 568 also does several things that are problematic. First, it requires MDOT to collect an annual permit fee from all signs up to 300 square feet. That means that small signs for civic groups like the Lions Club or others like the American Legion or Veterans of Foreign Wars would have to pay a \$25 fee annually. Next, it removes current penalties for destroying vegetation if a billboard owner files a vegetation plan with MDOT. That means instead of deterrents like a felony conviction, two years in prison and up to a \$10,000 fine, those who destroy our natural beauty will only have to pay double the cost of replacing shade trees if they are caught. There is no penalty for destroying any other vegetation—only trees. Such vegetation could be critical to preventing erosion, for animal habitat, or simply for aesthetics. However, sign owners could remove anything and everything, leaving just the sign, and the state is left with the cost for labor and equipment to replace vegetation, if it gets done at all. A provision in this package preventing MDOT from ever planting anything that might interfere with the view of the billboards probably means that nothing ever gets replaced.

Finally, the vegetation management plan causes other problems as well. The plan submitted to MDOT would have to be accompanied by a \$50 fee. MDOT says that fee will not come close to covering the cost of reviewing all the vegetation plans and making a decision on their application within 30 days. Under the bill, the plan can only be rejected if it strays outside the visibility zone of the sign. If MDOT does not meet the 30-day deadline, the plan can be implemented without review. Once a plan is accepted, the billboard owner can trim or remove any vegetation they like, inside or outside the boundaries of the plan, with no penalty other than the cost of shade trees. The bill identifies the motorist viewing zone as 1,000 feet in front of the billboard on freeways. That means with submission of a plan to MDOT, a billboard owner can remove vegetation from an area larger than three football fields in front of their sign.

The purpose of this act is being modified from that of preserving and enhancing scenic beauty to identifying billboards as serving an important public need. I and others think our natural landscapes must coexist with business advertising, not be subject to it. Many groups like Scenic Michigan and the Michigan Environmental Council oppose these bills as written. MDOT is willing to work to reach agreement on the concept of this legislation; however, these bills had their first hearing in committee within the last month.

There is no urgent need to move these bills at this time. Until a compromise can be reached, I will oppose these bills and I urge my colleagues to do the same.

Senator Leland's second statement is as follows:

The cap is temporary. It expires in the year 2008. The cap allows new construction of billboards if the old ones are removed, which means that additional vegetation could be torn up during construction. The cap does nothing to stop

construction on already issued permits that are not yet built. Groups like Scenic Michigan have said that a real cap would be worthy of supporting.

So, again, I urge my colleagues to vote against this bill and the other bills in this package.

The following bill was read a third time:

Senate Bill No. 568, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending sections 2, 3, 4, 6, 7, 11, 15, 16, 17, 18, 18a, and 19 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.311, 252.315, 252.316, 252.317, 252.318, 252.318a, and 252.319), sections 2, 3, 4, 6, 7, 15, 17, and 19 as amended and section 11 as added by 1998 PA 533 and section 18a as added by 1998 PA 464, and by adding section 11a; and to repeal acts and parts of acts.

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. 41

Yeas—23

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

Nays—13

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 911, entitled

A bill to amend 1925 PA 368, entitled “An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,” by amending section 1a (MCL 247.171a), as added by 2002 PA 151.

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. 42**Yeas—23**

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

Nays—13

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

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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. 43**Yeas—25**

Allen	Garcia	Jacobs	Schauer
Barcia	George	Jelinek	Sikkema
Brown	Gilbert	Kuipers	Stamas
Cassis	Goschka	Leland	Thomas
Cherry	Hammerstrom	McManus	Toy
Cropsey	Hardiman	Sanborn	Van Woerkom
Emerson			

Nays—11

Basham	Brater	Olshove	Scott
Birkholz	Clark-Coleman	Patterson	Switalski
Bishop	Clarke	Prusi	

Excused—1

Johnson

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Senator Hammerstrom moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 779, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

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. 44

Yeas—36

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

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 932, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

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. 45**Yeas—36**

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

Nays—0**Excused—1**

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5448, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

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. 46**Yeas—36**

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

Nays—0**Excused—1**

Johnson

Not Voting—0

In The Chair: President

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

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

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

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5168, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109.

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. 47**Yeas—36**

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

Brater
Brown
Cassis
Cherry

George
Gilbert
Goschka
Hammerstrom

McManus
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 93

The resolution consent calendar was adopted.

Senators Clark-Coleman, Hammerstrom, Prusi and Basham offered the following resolution:

Senate Resolution No. 93.

A resolution to declare February 1, 2006, as Jerome Bettis Day.

Whereas, Jerome Bettis is one of Michigan’s most-favored sons and returns to Detroit to play in Super Bowl XL as a member of the American Football Conference Champion Pittsburgh Steelers; and

Whereas, Jerome Bettis will mark the conclusion of an illustrious professional football career at the last whistle of Super Bowl XL, giving him the opportunity to cross the goal line less than eight miles from where he started at McKenzie High School; and

Whereas, Our favorite son is a winning combination of brawn and brains that epitomizes the spirit of Michigan and its largest city. Jerome Bettis has single-handedly united all of Michigan in our feelings of pride over his great accomplishments; and

Whereas, Jerome Bettis has not forgotten his roots and has reached out to children throughout southeastern Michigan, giving them encouragement, help, and hope to achieve their greatest dreams in programs such as The All-Pro Jerome Bettis Football Camp, the "Cyber Bus" Computer Literacy Program, and Project S.C.O.R.E.; and

Whereas, Jerome Bettis' rise to prominence has not quenched his thirst for people. He established a scholarship at his alma mater McKenzie High School and hosts the legendary Reggie McKenzie Football Camp every summer; and

Whereas, Jerome "The Bus" Bettis began his football career at Notre Dame University in 1990 and had a highly successful rookie campaign earning the National Football League Co-Rookie of the Year honor. He was one of only eight rookies to rush for 200 yards in a single game; and

Whereas, Fans voted him to the Pro Bowl three times. Jerome Bettis is at the top of his league in talent and character. Football enthusiasts across the country wear his jersey number emblazoned across their chests as they dream in Technicolor of having his moves and power; and

Whereas, That same force that pushes Jerome Bettis past his opponents on the football field propels him beyond the challenge of asthma and has allowed him to have a stellar career and to become a spokesperson for the Asthma All-Star program that educates youth on living productively with the respiratory disorder; and

Whereas, Jerome Bettis is truly a gift that keeps on giving. He is a major reason why the Pittsburgh Steelers are playing in the greatest Super Bowls of all times. Detroit and our state will appear on the world's stage alongside one of the brightest athletes in history; now, therefore, be it

Resolved by the Senate, That Wednesday, February 1, 2006, be hereby declared as Jerome Bettis Day to honor the great achievements, community service, and championship of character that he has demonstrated during his collegiate and professional football careers; and be it further

Resolved, That a copy of this resolution be transmitted to Jerome Bettis as a token of our highest esteem.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Introduction and Referral of Bills

Senators George and Cassis introduced

Senate Bill No. 1016, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601, 2605, 2611, 2613, 2614, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 (MCL 339.2601, 339.2605, 339.2611, 339.2613, 339.2614, 339.2615, 339.2617, 339.2619, 339.2621, 339.2627, 339.2629, 339.2633, 339.2635, and 339.2637), sections 2601, 2605, 2611, 2613, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 as amended and section 2614 as added by 1999 PA 170.

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

Senators Jelinek, Johnson and Patterson introduced

Senate Bill No. 1017, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 85 and 91 (MCL 38.1385 and 38.1391), section 85 as amended by 2002 PA 94 and section 91 as amended by 2004 PA 117.

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

House Bill No. 4976, entitled

A bill to amend 1978 PA 232, entitled "An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

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

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

House Bill No. 5045, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

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

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

House Bill No. 5559, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2004 PA 398 and section 8 as amended by 2005 PA 185.

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 Commerce and Labor.

Statements

Senators Clark-Coleman, Thomas, Scott, Birkholz and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

I would like to thank all of my colleagues in the Senate for co-sponsoring the resolution to name February 1st, which is tomorrow, as Jerome Bettis Day in the state of Michigan.

I would also like to make a statement on behalf of a person who has been a leader and role model for me and many others throughout the last years—decades—and that’s Coretta Scott King. It was announced this morning that Coretta Scott King passed away last night. I’m sure that you all know that she is the famous wife of Martin Luther King, Jr., and took up his works when he passed away. She has been out there on the forefronts leading the effort for all of the items that he supported, which was civil rights.

Coretta Scott King, I met her back in—didn’t meet her, but I was with her; I was with her many years before—but she came into the Detroit Public Schools as the keynote speaker for the academic excellence awards. That’s for students who scored 3.5 and above. She gave such a dynamic speech and she was so supportive of the youth and education. She worked herself up during times when it wasn’t popular in the South to go to college. She majored in music, and throughout her life, she professed to students how important it was to continue your education in order to achieve in this society.

So the great lady—Coretta Scott King—the wife of Dr. Martin Luther King, Jr., has made her transition, and she certainly did the role of the wife of Martin Luther King—she did it great. She did a great honor and great service for such a great leader.

A moment of silence was observed in memory of civil rights leader Coretta Scott King.

Senator Thomas’ statement is as follows:

Mr. President, much of our time during this term in the Senate has been dominated by budget talk: Do we have enough money for this? Do we have enough money for that? Can we cut a little bit more here, a little bit more there? We dutifully and instinctively think what cost will that initiative have on the price of our government? Throughout the rest of 2006, I hope we’ll take a few moments to bear down and deliberate on an issue that will not cost this state a single dime. We, this honorable body, have the opportunity to make the lives and learning experience of every child in the state of Michigan a little bit better. You can all take part in joining me and passing legislation that will affect every school in your districts. You can go home and tell your neighbor that this week we made Michigan schools, all of Michigan schools, a little bit safer.

For the past decade, I’ve been working on promoting a comprehensive anti-bullying policy for the state of Michigan. We have built a very broad coalition of supporters. For years, we have researched how other states have taken more proactive positions to protect children and prevent school violence. Last week in her State of the State address, Governor Granholm laid out some bold initiatives and highlighted issues important to her administration. One of those was a commitment to signing legislation that will bring Michigan into parallel with other states that provide a safe place to learn.

I would also like to commend my colleague from Canton, Senator Patterson, for the recent introduction of his anti-bullying legislation. I look forward to working collaboratively with him and with any other members of this chamber who want to protect our children. Bullying, like term-limited legislators, simply won’t go away. It is time for us to act.

We talk all day about jobs, economy, taxes, revenue, and budgets. Let's slow down for a moment and talk about the future. Let's focus on Michigan's children. We cannot afford to wait any longer. We cannot wait any longer because a child like Kyle Royal in Lenawee County has already lived through years of torment.

I continue to believe in this legislation because kids in Chesterfield Township already know what it's like to see a classmate lose an emotional battle with bullies. I persist in fighting for this policy because kids in Wyandotte already know what it's like to go to middle school fearful for their lives, uncertain of who and why someone would threaten them. Bullying knows no boundary. There are not more bullies in Detroit than there are in Grand Rapids. As a matter of fact, I'm contacted every week by a different parent or a different child or someone from across this state who is heartbroken because they are a victim of bullying. Folks from Ottawa County have asked what they can do to help protect their kids. The prosecutor from Livingston County has asked for passage of this bill to allow him to work with the schools in the communities that we represent now to allow him to work to end physical assaults.

Recently, I spoke with the prosecutor of Oakland County. He has a model program in place in Oakland County, recognized nationally as a model. Unfortunately, the federal government just eliminated his funding. The only way he can continue his program is if the state of Michigan acts. Since I first introduced this legislation when most of us, frankly, were members of the House of Representatives, hundreds of Michigan children have dropped out of school because they could not live with the verbal and physical harassment of being bullied every day. All children are affected by bullies. Some are the aggressor, some are the victim, and some are the unwilling accomplice because they simply do not know how, who, or what they can do to stop it.

My colleagues, we have the tools at our finger tips. It is a comprehensive anti-bullying policy that has been introduced in this Legislature for a number of years. Let us just this once not focus on how much this program is going to cost because it won't cost the state a penny; it won't cost the state a dime. Let us not focus on whose turf this is or who should be preventing bullying. Let's focus on the children. Let's today take a stand not to let another child slip through the system because we're busy talking about taxes and budgets and politics. My colleagues, as we progress through 2006, I look forward to this body spending a fraction, just a fraction of the time we spend deliberating the price of government, deliberating the price of a child.

Senator Garcia stated that had he been present on January 26 when the vote was taken on the passage of the following bill, he would have voted "yea":

Senate Bill No. 866

Senator Scott's statement is as follows:

I, too, would like to give respect to the widow of Dr. Martin Luther King, Coretta Scott King. This was a woman who had just great strength. When I think about what she must have gone through over the years, even before she lost her husband, how she had to live. I was told that they had to keep the lights on around the house all night long because they were not sure if there was going to be somebody bombing the house, or whatever. Then to lose her husband and then to raise the children to be upstanding young people, to me, she was the epitome of a queen from Africa.

So I rise today to thank God for her life and for what she was to her community, to her country, and to her family. I just honor her today and I thank God for her life and the legacy that she leaves behind.

I know that she would like for us to do something about insurance here for the least of these. That is the kind of woman she stood for. She was very active with us in WAND. She came annually to our legislative conference in Washington and spoke to those women. WAND is an organization that opposes the war and spending all those dollars there. She was always there, just standing and trying to teach us and to stand for the least of these.

So, again, I do thank God for her life and the legacy that she leaves behind.

Senator Birkholz's statement is as follows:

I stand here with Senator Cherry. We are two of the co-chairs of the Children's Caucus, and we would like to bring the members' attention to the *Kids Count* book in Michigan, which I know everyone received on their desk last Thursday. This is an important resource for us, members, because in it you can look at the status of children in your district and their well-being, district by district, easy to read, but good statistics, well-meaning, and help us determine what's happening in order to look at public policy. I would urge you all to take a look at it.

There is some good news and some bad news in it. Senator Cherry and I are going to highlight that just for a minute. I would like to point out to you that one of the aspects of the bad news in the book this year points out the increase in child abuse and neglect. That is a very sad story for our state. For those of you who are in the Grand Rapids media market, *The Grand Rapids Press* did quite an in-depth story Sunday in the paper about child abuse and neglect, particularly in the Grand Rapids area, but across Michigan. I would urge you to take a look at that. I also want Senator Cherry to help me talk about this. She's going to share some of the good news.

So thank you very much for taking a look at this in anticipation of your actually looking at it because we think it will help you as you look at public policy from your district point of view as well as statewide.

Senator Cherry's statement is as follows:

I just wanted to point out to you that some of the good news is that there are fewer Michigan teens who are being arrested, having babies, dropping out of school, or dying. Arrests and high school dropout rates in the state plummeted by one-half and teen death and births to teens dropped by almost one-third over the trend period.

Committee Reports

The Committee on Technology and Energy reported

Senate Bill No. 127, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 360a.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, January 25, 2006, at 3:00 p.m., Room 210, Farnum Building

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 372, entitled

A bill to provide for the oversight of the operation of certain water and sewer systems within this state; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

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.

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Goschka

Nays: Senators Basham and Emerson

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, January 26, 2006, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Emerson

The Committee on Health Policy reported

Senate Bill No. 728, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9201, 9207, and 9227 (MCL 333.9201, 333.9207, and 333.9227), sections 9201 and 9227 as amended and section 9207 as added by 1996 PA 540.

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, Emerson 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

House Bill No. 4670, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16184.

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, Emerson 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

House Bill No. 5448, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

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, Emerson 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, January 25, 2006, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, January 26, 2006, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, January 26, 2006, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Monday, January 30, 2006, at 3:00 p.m., Muskegon ISD, 630 Harvey Street, Muskegon

Present: Senators Kuipers (C) and Van Woerkom

Excused: Senators Cassis, Clark-Coleman and Leland

Scheduled Meetings

Administrative Rules - Wednesday, February 1, 9:00 a.m., Room 405, Capitol Building (373-6476)

Agriculture, Forestry and Tourism - Thursday, February 2, 8:00 a.m., Room 110, Farnum Building (373-1635)

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

Subcommittees -

Agriculture, Senate/House - Thursday, February 2, 9:00 a.m., Room 428, Capitol Building (373-5932)

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

Community Health Department/Health Policy - Wednesday, February 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

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

K-12, School Aid, Education - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

Natural Resources Department - Wednesday, February 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

Banking and Financial Institutions - Thursday, February 2, 12:00 noon, Room 100, Farnum Building (373-2417)

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

Health Policy/Community Health Department Appropriations Subcommittee - Wednesday, February 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Legislative Retirement Board of Trustees -**Subcommittee -**

Investment - Wednesday, February 1, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Technology and Energy/House Energy and Technology - Wednesday, February 1, 8:30 a.m., Room 519, South Tower, House Office Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 1, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate