

No. 16
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, February 21, 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—excused
Toy—present
Van Woerkom—present

Reverend Ward D. Pierce of Mendon United Methodist Church of Mendon offered the following invocation:

Heavenly Father, as we begin this 93rd session of the Michigan State Senate, I pray Your blessings on these men and women whom You have ordained into the ministry of statesmanship to serve You and Your people and allowed their election to this section of government. Grant them wisdom and discernment to determine what is best for Your people and this great state and the courage to carry it out. Remind us that ultimately we are answerable to You. May we set politics aside to strive for that which will enable this great state to grow and prosper and meet the legitimate needs of its citizens. While we need to listen to and hear the people of Michigan, help us to differentiate between the demands that meet the needs and/or desires of only a few and the greater good for all the people, many of whom are unheard and/or ignored because no one really hears them or speaks for them.

These men and women of the Senate have an overwhelming and usually thankless task. Strengthen them and provide all the gifts necessary for them to fulfill the responsibilities that are theirs. Be with their families and meet their special needs. May all sense in a special way Your presence among them and Your love for them.

Again, bless them in mighty ways for the job that lies before them. This, I pray in the name of Jesus the Christ. Amen.

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

Motions and Communications

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

Commission of Natural Resources

Mr. Keith J. Charters, a Republican, of 126 Spring Hill Road, Traverse City, Michigan 48686, county of Grand Traverse, reappointed for a term 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:

House Bill No. 5245

House Bill No. 5247

House Bill No. 5248

House Bill No. 5331

House Bill No. 5398

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

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

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

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

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

Recess

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

10:23 a.m.

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

During the recess, Senator Toy introduced Diana Lewis, news anchor for WXYZ Channel 7 in Detroit, Donate Life Coalition Award recipient and Gift of Life Michigan's Minority Organ Tissue Transplant Education Program coordinator; and Omie Smith, kidney transplant recipient; and presented them with a Special Tribute.

Ms. Lewis and Mr. Smith responded briefly.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 16:
House Bill No. 5602

The Secretary announced that the following official bills were printed on Thursday, February 16, and are available at the legislative website:

Senate Bill No. 1046
House Bill Nos. 5679 5680 5681 5682 5683

The Secretary announced that the following official bills were printed on Friday, February 17, and are available at the legislative website:

Senate Bill No. 1047
House Bill Nos. 5684 5685 5686 5687 5688 5689 5690 5691 5692 5693 5694 5695 5696 5697
5698 5699 5700 5701 5702 5703 5704 5705 5706 5707 5708 5709 5710 5711
5712 5713 5714 5715 5716

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
Senate Bill No. 956
Senate Bill No. 957

The motion prevailed.

The following messages from the Governor were received:

Date: February 16, 2006
Time: 9:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 310 (Public Act No. 23), being

An act to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

(Filed with the Secretary of State on February 16, 2006, at 1:40 p.m.)

Date: February 16, 2006
Time: 9:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 621 (Public Act No. 28), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

(Filed with the Secretary of State on February 17, 2006, at 10:05 a.m.)

Date: February 16, 2006
Time: 9:57 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 622 (Public Act No. 29), being

An act to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” (MCL 400.701 to 400.737) by adding sections 34b and 34c; and to repeal acts and parts of acts.

(Filed with the Secretary of State on February 17, 2006, at 10:07 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on February 16, 2006, and read:

EXECUTIVE ORDER
No. 2006-5

Michigan Task Force on Cervical Cancer Awareness

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that the Governor considers necessary or desirable;

WHEREAS, cervical cancer takes the lives of thousands of women every year, despite being highly preventable with regular screening;

WHEREAS, approximately half of women diagnosed with cervical cancer have never been screened for cervical cancer, and women from low income groups and those without health insurance have especially low screening rates;

WHEREAS, with the screening and treatment made available by modern medicine, no woman in Michigan should die of cervical cancer;

WHEREAS, establishment of a task force examining issues relating to cervical cancer awareness will assist the state in identifying new resources, best practices, and necessary changes in law, policies, and practices to increase awareness of the importance of regular cervical cancer screenings;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department" means the Department of Community Health, a principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-1, MCL 330.3101.

B. "Task Force" means the Michigan Task Force on Cervical Cancer Awareness created under this Order.

II. CREATION OF THE MICHIGAN TASK FORCE ON CERVICAL CANCER AWARENESS

A. The Michigan Task Force on Cervical Cancer Awareness is created as an advisory body within the Department.

B. The Task Force shall consist of fifteen (15) members appointed by the Governor and shall include the Michigan Surgeon General and each of the following:

1. One (1) individual employed by the Department whose responsibilities include managing Michigan's Medicaid Program.

2. Two (2) individuals representing non-profit organizations dedicated to cancer prevention.

3. One (1) individual representing a non-profit organization dedicated to promoting the interests of obstetricians and gynecologists.

4. One (1) individual representing a non-profit organization dedicated to women's health.

5. One (1) oncologist.

6. One (1) nurse practitioner.

7. One (1) epidemiologist.

8. One (1) individual representing health maintenance organizations.

9. One (1) individual representing providers of health insurance other than health maintenance organizations.

10. Four (4) residents of this state.

C. Members of the Task Force shall serve as members at the pleasure of the Governor.

D. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

III. CHARGE TO THE TASK FORCE

A. The Task Force shall act in an advisory capacity and shall do all of the following:

1. Review existing state efforts regarding cervical cancer awareness.

2. Identify pressing issues and significant challenges that must be addressed to increase awareness of the importance of regular cervical cancer screenings.

3. Identify and make recommendations to promote effective communications and coordination of efforts between the public, non-profit, and private sectors at both the state and local levels to increase awareness of the importance of regular cervical cancer screenings.

4. Identify and make recommendations for the development of a comprehensive statewide plan to generate public awareness of the importance of regular cervical cancer screenings.

B. The Task Force shall provide other information, recommendations, or advice as requested by the Governor or the Director of the Department.

C. The Task Force shall complete its work and issue a final report and recommendations, including any proposed changes in law, to the Governor by September 30, 2006.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Department as directed by the Governor. Any budgeting, procurement, and related management functions of the Task Force shall be performed under the direction and supervision of the Director of the Department.

B. The Task Force shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Governor shall designate one of the members of the Task Force to serve as its Chairperson. The Task Force may select from among its members a Vice-Chairperson.

D. The Task Force shall select from among its members a Secretary. Task Force staff shall assist the Secretary with recordkeeping responsibilities.

E. A majority of the members serving on the Task Force constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its serving members.

F. The Task Force shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Task Force.

G. The Task Force may establish committees and request public participation on workgroups as the Task Force deems necessary. The Task Force may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

H. The Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including, but not limited to, experts in public health and public relations.

I. Members of the Task Force shall serve without compensation. Members of the Task Force may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

J. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

K. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person.

L. Members of the Task Force shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Task Force.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 16th day of February, in the year of our Lord, two thousand and six.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Commission of Natural Resources

Mr. Keith J. Charters, a Republican, of 126 Spring Hill Road, Traverse City, Michigan 48686, county of Grand Traverse, reappointed for a term 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. 86

Yeas—36

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Barcia's statement is as follows:

I also want to rise today to support the reappointment of Keith Charters to the Natural Resources Commission. I regret that I missed the opportunity to vote for Mr. Charter's reappointment in the subcommittee last week. However, I want to applaud the Governor and my colleagues for recommending his return to the Natural Resources Commission.

As has been mentioned by our subcommittee chair, Keith was originally appointed to the Natural Resources Commission in 1994 by then-Governor John Engler and was reappointed to that position in 1999. An avid hunter and conservationist, Keith is well known for his commitment to the preservation of our unique natural resources and the stewardship of our lands. His reappointment by Governor Granholm is indicative of the strong bipartisan support he enjoys, and his approval by the Senate will recognize his experience and hard work over the last 12 years.

I, too, would like to urge the members of the Senate to unanimously approve the reappointment of Keith Charters to the Natural Resources Commission.

Senator McManus' statement is as follows:

It is my honor and my privilege to recommend Keith Charters to the Natural Resources Commission. Keith is a longtime friend, but not only is he a friend, but he is a very well-known conservationist and a steward of our lands. He was first appointed to the Natural Resources Commission in 1994 and then reappointed in 1999.

Keith Charters had been appointed chairman to the commission in 1996, where he currently retains his chairmanship. The Subcommittee on Natural Resources recommends Mr. Charters. He is the kind of guy who can walk across the party lines and work with both sides of the aisle. Therefore, we recommend him and would ask this body to also do that recommendation.

Senator Allen's statement is as follows:

I also rise to support the nomination of Keith Charters, a longtime friend and a conservationist in northern Michigan. When you think back to what Keith has been involved with and his activities over his life, his legacy that he is continuing to work for is one being a conservationist. As an active supporter of the outdoor sports of hunting and fishing in his heart, he is always concerned to make sure that the appropriate habitat, that appropriate opportunities are available for the next generation and this generation to be in the out-of-doors hunting and fishing.

As an environmentalist, he's been very active in land preservation and trail management to allow for involvement of people who may not be as involved in hunting and fishing to be able to enjoy Michigan and northern Michigan's great outdoors.

And as an activist, his legacies that he has allowed were his involvement as the Governor's land use support, and on a local basis, his local involvement with our Traverse City Chamber and new design for growth, putting together a plan and a format to help local townships and local cities to develop wise land use.

I rise for the support and encourage this body to unanimously support Keith Charters' nomination.

Senator Goschka's statement is as follows:

I also rise in strong support of Keith Charters to be reappointed to this commission. I have witnessed him going throughout the entire state listening to people and their genuine heartfelt needs on issues of hunting and other such issues. There is no question that he is very committed to the natural resources of Michigan and to be a good steward of our natural resources and of the hunting of animals and of fishing. I have great respect for Keith Charters. I had been amazed of the amount of time that he has been willing to put into listening to everyday citizens on issues that mean an awful lot to them.

He has earned our support, our respect, and I strongly support his reappointment to this commission.

Messages from the House

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

House Bill No. 5177

House Bill No. 5178

The motion prevailed.

Senate Bill No. 179, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 561, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 7 (MCL 691.1507), as added by 1987 PA 30.

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

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

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

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

Senate Bill No. 569, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as amended by 2001 PA 70.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 9, after "AND" by inserting "**IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT**".

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

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

Senate Bill No. 570, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as amended by 2001 PA 69.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 8, after "AND" by inserting "**IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT**".

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

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

Senate Bill No. 128, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

(For text of amendment, see Senate Journal No. 15, p. 249.)

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

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

Roll Call No. 87**Yeas—34**

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

Nays—2

Emerson Leland

Excused—1

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the full title.

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

Third Reading of Bills

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

Senate Bill No. 1040

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1040, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

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. 88**Yeas—35**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0

Excused—1

Thomas

Not Voting—1

Clarke

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Hammerstrom moved that the enrollment be vacated on the following bill:

Enrolled Senate Bill No. 128, entitled

An act to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

The motion prevailed.

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

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

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

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

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

House Bill No. 5247, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

House Bill No. 5331, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

House Bill No. 5398, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2005 PA 133.

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:

House Bill No. 5245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445). Substitute (S-1).

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

1. Amend page 2, line 14, after "physician" by inserting a comma and "**LICENSED PHYSICIAN'S ASSISTANT**,".

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. 5248, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I have an e-mail from Royal Oak and it states, "I have not had a full-time job in four years, although I have a bachelor's degree and nearly 20 years experience in my field. I've been unemployed or only had part-time work. On an extremely limited income, I have to pay almost \$100 a month for insurance on one car, an 8-year-old Civic. In addition, I pay \$123 a month for limited health insurance, which does not cover office visits or prescriptions and includes a big deductible and co-pay on what it does cover. I see this country having turned so far away from caring about and helping the poor and middle class. We spend \$400 billion to chase a 'boogey-man' through the Middle East, but cannot help people live in dignity at home. Many well-to-do legislators and their supporters do not care, do not act, and do not feel the urgency to change the unfair economic practices that are debilitating to so many of us. I have seen this already in correspondence with my U.S. Congressman regarding health care. Of course, he enjoys wonderful health coverage and a House health club paid by taxpayers like me, but you should know that no one is safe from financial ruin. If you won't do something positive for your fellow humans, then do it for the potential future, you who could also face unexpected economic loss." This is from Royal Oak, District 13.

Senator Birkholz's statement is as follows:

I would like the members to look at the handout that they've received on their desks this morning. It's a yellow handout from the Children's Caucus. Senator Cherry and I have noticed you for a meeting which is on Thursday, March 23rd.

Members, Dr. Bruce Perry, who is a senior fellow of the Children's Trauma Academy of Houston, Texas, will be speaking at MSU's Kellogg Center at the conference on the implications of early childhood trauma on mental health and the well-being of children and young adults. He will be speaking at 10:15 in the morning until noon. They have offered to allow up to ten legislators, and I would like you to note legislators, not staff, may be special guests there for his speech and a luncheon if any of you would like to attend.

We offer this opportunity to you so that you can experience firsthand the stories, the representations, and the statistics that Dr. Perry has, who is known worldwide as an academic in the area of early childhood. You can learn from him about the importance of 85 percent of a child's brain being developed in their first 1,900 days. You can learn how every \$1.00 spent on high-quality early childhood education gives the taxpayers \$4.00 back in benefits; how school

districts can expect to save more than \$11,000 per child when the child participates in quality early childhood programs.

I would urge your interest in this, and we hope to see several of you join us there on March 23rd. Please let us know if you are interested.

Senator Clark-Coleman's statement is as follows:

I rise to pay homage to the life and legacy of former Wayne County Executive Edward H. McNamara. I worked for Mr. McNamara as his press secretary for eight years and knew him very well. Edward H. McNamara was a consummate professional. He was a politician and a family man. He believed in every undertaking with great furor and passionate commitment. When reviewing all of his accomplishments, such as saving Wayne County from bankruptcy, constructing two new stadiums in Detroit, and building a state-of-the art terminal at Metro Airport, one would think that the list would soon end, but for McNamara, it was just the beginning.

He loved his family and his family was at the top of the list. He was devoted to his wife Lucille, a wife of 58 years who he lovingly referred to as his bride, and she was his childhood sweetheart. He loved his five children and his grandchildren. You could see them at the Mackinac conference on many occasions strolling across the grounds of the Grand Hotel holding hands and riding on a bicycle built for two. Because he treasured the laughter of children, he gave new life to Wayne County parks, changing them from weed-strewn plots to pristine places of recreation that served all the people of Wayne County.

He wanted to make sure that all of the people had health insurance coverage and created for working poor a health insurance. Under his direction, Wayne County began to offer coverage that worked the hardest for the least, and that program health choice has been modeled around the nation, where the employee pays one-third, the employer pays one-third, and Wayne County pays one-third.

He was an equal-opportunity employer with a keen eye for talent. He didn't care what you looked like or what color you were. If you did the job, it was yours. I want to point to an example of a person he hired by the name of Hurley Coleman, who ran the parks department in Wayne County. Now, they had decided who they were going to hire. They had already interviewed, and Hurley Coleman from Saginaw—this young, black, energetic gentleman—applied for the job. After speaking with Hurley Coleman, Mr. McNamara said, "You know, that young man is creative and he has lots of talent and I am going to go with him"—even though he had been working with the white suburban communities, and he did an outstanding job.

Just look at the fruits of his labor: Governor Jennifer Granholm, former U.S. Prosecutor Mike Dugan, State Senator Hansen Clarke, U.S. Attorney Saul Green, Detroit Mayor Kwame Kilpatrick, and me, State Senator Irma Clark-Coleman. We all owe a great debt to Ed McNamara that can be paid for us by nurturing young talent, fighting for that which we believe, and remaining true to ourselves, our families, and our state.

I would ask my colleagues here if we could have a moment of silence for the life and legacy of Wayne County Executive Edward H. McNamara.

A moment of silence was observed in memory of former Wayne County Executive Edward H. McNamara.

Senator Cropsey's statement is as follows:

Last month, the Department of Justice issued a report called the "Extent, Nature, and Consequences of Rape Victimization Findings from the National Violence Against Women Survey." I would like to read a few quotes from this report. It says and these quotes are not picked out of context, nor are they minor findings of the study. These statements represent the heart of what has been found, and it is deeply disturbing: "17.7 million women and 2.8 million men in the United States were forcibly raped"—and I mention forcibly raped—"at some time in their lives, with 302,091 women and 92,748 men forcibly raped in the year preceding the study."

Even worse, the report states that the study most likely underestimates the number of actual rapes because it excludes rapes of children and adolescents and those who are homeless or living in institutions, group facilities, or residences without telephones. Over "21.5 percent of women and 48 percent of men were younger than 12 years old when they were first raped. Only one in five women who were raped as adults reported their rape to the police." And "only 12.9 percent of the men reported to the police.

About two-thirds of the women and men who were raped as adults said that their rapist was using drugs or alcohol at the time of the rape." Why do I bring this up? For three reasons. I read periodically in the papers that some people allege that doing drugs or selling drugs is a victimless crime. As I have stated before, over 800,000 crimes a year in Michigan are committed by people who are abusing drugs or alcohol. This study on victimization backs that up.

The second reason is I read in the papers about special interest groups who suggest that we spend too much on prisons. Legislators, we have about 5,200 forcible rapes reported annually in Michigan. If that's only 20 percent, there are over 25,000 rapes in Michigan annually. Meanwhile, we have less than 5,000 prison beds a year available for all convicted criminals in the state. That means that even if we caught and convicted just the rapists of reported crimes, we don't have room for them, let alone, murderers, home invaders, or armed robbers.

My third reason is the Judiciary Committee has heard truly shocking testimony about how rape victims are often brutally re-victimized by cross-examination during preliminary examinations. This study reflects that in finding that over half of the rape victims are not satisfied with how the courts treated them. As we look at reforming preliminary exams, I want to be on record that victims have constitutional rights under the Michigan Constitution. I believe those rights are being trampled on oftentimes in our court system. I fully intend to see that those rights are protected during preliminary exams or whenever, whatever, or however we replace them.

Mr. President, I found this study of rape victimization to be truly troubling, and I want to be on record that the Senate Judiciary Committee will do its best to assist victims of rape in every way that we possibly can.

Senator Toy's statement is as follows:

I rise today, along with my colleague from the 3rd District, to speak about an icon in political history. Edward H. McNamara was the mayor of the city of Livonia for some 17 years. I've lived there for a lot longer than that. He also was on the Livonia City Council. He was an example to many of us in those days of what a mayor should be. He had an administrative skill that goes way beyond excellence and truly reached out to folks within the city to help build that city to what it is today—a great thriving city.

He was a tireless worker. He did it with a good attitude, a go-getter attitude. Let me give you an example. I happened to be, and this will shock many of you, Ed McNamara's first intern when he came in to be mayor in 1970 in the city of Livonia. I worked with him for some 16 weeks. It was just a thrill because as a young person going to the University of Michigan, I couldn't afford the time to come up here because I was taking 22 credit hours. Ed graciously let me get credit out of his office. The things I learned there from him I will carry with me for a long time, as well as, I use a few of his little interesting things that he was able to do and the skills that he was able to possess. He also allowed me at 17 years old to open an environmental center because I was going to save the Earth in those days. He gave us a house, and all I did was walk into his office. I had worked a little bit on his campaign, but I walked into his office and said, "You know, Mayor, I would like to open an environmental center because to wait is too late"—that was our motto. So Ed, being Ed McNamara, as he was a go-getter, said, "OK, Laura, we're going to give you this house. Go to it!" We did. We collected newspapers until the floorboards were bending. We—Libby Owens—collected glass and recycling. We were one of the first recycling centers in probably the state at that time besides Wayne State. That's the can-do attitude that he took. I think that's why so many really cared about him and he himself wanted to save the world.

As others have said, the parks throughout Wayne County. We lost him as mayor and then he went out to all of Wayne County and did the parks and the light fest that so many people in southeastern Michigan and all over enjoy down there. He was an avid golfer. Livonia ended up with three golf courses with Ed as mayor. One was already there, and then we put in two which have proven to be a real revenue generator for that town.

His son Kevin continues on in politics. He's a trustee at Schoolcraft College, one of our premium community colleges in our state. And, of course, his daughter Colleen, which many of us know up here.

My thoughts and just the deep sense of admiration in so many ways will go with that family and him. Some of us joke about him, and you know that a lot of things have been said, but let it be said that he always kept that go-getter attitude to get things done in our world and in our great state. We're going to miss him.

Senator Clarke's statement is as follows:

I just wanted to echo the remarks regarding the passing of Ed McNamara. I worked for him, he was a great guy, and he put together a fantastic team of people who served Wayne County very admirably and effectively.

I also, Mr. President, would like to state that in my brief absence from the Senate floor, I would have voted "yes" for immediate effect on Senate Bill No. 128 and "yes" on Senate Bill No. 1040.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Garcia, Kuipers, Toy, Bishop, Cropsey and Barcia introduced
Senate Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 8 of article IV, to provide for temporary replacement members of the legislature if a member is called to active military service.

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

Senators Patterson, Birkholz, Thomas, Jelinek, Garcia, Cropsey, Toy, Allen, Hammerstrom, Kuipers, Bishop, Hardiman and Goschka introduced

Senate Bill No. 1048, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

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

Senators Hammerstrom, Cherry, Jacobs, Schauer, Olshove, Scott, George and Stamas introduced
Senate Bill No. 1049, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3915, 3927, 3935, and 3942 (MCL 500.3915, 500.3927, 500.3935, and 500.3942), as added by 1992 PA 84, and by adding sections 3906, 3910, 3910a, 3910b, 3925, 3926, 3926a, 3941a, and 3942b.

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

Senators Cherry, Hammerstrom, Jacobs, Schauer, Olshove, Scott, George and Stamas introduced
Senate Bill No. 1050, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3901 (MCL 500.3901), as added by 1992 PA 84, and by adding section 3902; and to repeal acts and parts of acts.

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

Senators Gilbert, Jelinek, Toy, George, Kuipers, Allen and Bishop introduced
Senate Bill No. 1051, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2004 PA 384.

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

Senators Allen, Birkholz, Jelinek, Cropsey, McManus and Brown introduced
Senate Bill No. 1052, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2 and 4 (MCL 431.302 and 431.304).

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

House Bill No. 5602, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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

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

Committee Reports

The Committee on Health Policy reported

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445).

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. 5247, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5248, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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. 5331, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5398, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2005 PA 133.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 403, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 183A.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, February 15, 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, February 16, 2006, at 8:30 a.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Joint meeting held on Thursday, February 16, 2006, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Goschka (C), Cherry and Prusi

Excused: Senators Johnson and Hardiman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Thursday, February 16, 2006, at 12:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 16, 2006, at 1:30 p.m., Room 519, South Tower, House Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Thursday, February 16, 2006, at 4:30 p.m., Midland County Educational Service Agency, 3917 Jefferson, Midland

Present: Senator Kuipers (C)

Excused: Senators Cassis, Van Woerkom, Clark-Coleman and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Public hearing held on Friday, February 17, 2006, at 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing

Present: Senators Goschka (C), Hardiman and Prusi

Excused: Senators Johnson and Cherry

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 23, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, February 23, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

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

Community Health Department - Tuesdays, February 28 and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Tuesdays, February 28, March 7 and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Fridays, February 24, 10:00 a.m., Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

K-12, School Aid, Education - Thursdays, February 23, March 2 and March 9, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-0897)

Natural Resources Department - Wednesdays, February 22, March 1, March 8 and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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)

Banking and Financial Institutions - Wednesday, February 22, 12:00 noon, Room 210, Farnum Building (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, February 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Families and Human Services - Tuesday, February 28, 3:00 p.m., Room 210, Farnum Building (373-1801)

Finance - Thursday, February 23, 8:45 a.m., Room 100, Farnum Building (373-1758)

Health Policy - Wednesday, February 22, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Thursday, February 23, 12:00 noon, Room 110, Farnum Building (373-1707)

Michigan Law Revision Commission - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

Senior Citizens and Veterans Affairs - Wednesday, February 22, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:17 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 22, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate