

No. 22
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, March 7, 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 not present.

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

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

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

Pastor Mike Hixon of Graham Community Church of Laingsburg offered the following invocation:

Lord, You are good and You are great and You are mighty. What a privilege it is for us to come in Your presence. I thank You, Lord, for this beautiful day. It is the work of Your hand. I thank You that You made the world and everything in it, being Lord of heaven and earth. I thank You for our glorious state of Michigan and the 10 million precious people here and the natural beauty that You have given to us. It is a testimony to Your eternal power and divine nature. I thank You for providing all that we have. You are great and we are Your masterpiece. I thank You, Lord, for Your mercy and grace and for Your sustaining power.

I thank You for these men and women who represent us in the Senate. We elected them, You appointed them, and You have given them authority. They are Your servants for our good. I pray, Lord, that You would give them the courage to do what's right, the wisdom to do what's best, integrity to say and do what is true, grace to do what is unselfish, compassion and mercy to lead in a godly way, and humility to be servants to the people of this great state.

I pray that Your grace and Your power and the glory of Your Son will be seen in this chamber and in our state today. Heal our land and display Your greatness here. May we seek You and know You in the resurrection power of the Savior Jesus Christ. Amen.

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

Senators Hammerstrom, Barcia and Stamas entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:11 a.m.

10:36 a.m.

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

During the recess, Senators Brown, Van Woerkom, McManus, Johnson, Jelinek, Cropsey, Sikkema, Bishop, Kuipers, Hardiman, Allen, George, Birkholz, Cassis, Toy and Goschka entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Sanborn entered the Senate Chamber.

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

Senate Bill No. 246

Senate Bill No. 318

The motion prevailed.

The following communication was received:
Office of the Auditor General

March 3, 2006

Enclosed is a copy of the following audit report:
Performance audit of Selected Medicaid Pharmaceutical Drug Transactions, Medical Services Administration,
Department of Community Health.

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

The communication was referred to the Secretary for record.

The following communication was received:
Public Service Commission

March 3, 2006

The Michigan Public Service Commission is pleased to provide you with its 2005 Annual Report in compliance with Public Act 33 of 1989. The following highlights Commission accomplishments during 2005.

On July 1, 2005, Michigan became the first state in the nation to launch a child protection registry, enabling parents to guard their children from unwanted electronic messages. By year's end, 3,641 individuals and 41 schools registered e-mail addresses with The Protect MI Child Registry, prohibiting persons from sending to the registered addresses information about products or services that are legally prohibited for children, including pornography, tobacco, gambling, alcohol, or illegal drugs.

With escalating energy costs, the Commission took action to protect Michigan citizens, establishing emergency billing practices, covering the period from November 1, 2005 through March 31, 2006, for retail customers of electric and natural gas utilities subject to the Commission's jurisdiction. The Commission updated its Be WinterWise Website to provide information on ways for consumers to manage their winter energy bills, including information on the home heating credit, state emergency relief, budget billing and conservation tips. The Commission also hosted eight statewide Consumer Forums to provide on-site assistance to customers with utility-related problems.

The Commission continued to respond to the needs of Michigan's low-income and senior citizens, awarding \$56,000,000 for low-income energy assistance and \$15,000,000 for low-income energy efficiency from the Low-Income and Energy Efficiency Fund. The awards provide immediate assistance for heating needs as well as longer term assistance in reducing future heating costs for low-income and senior citizens. Additionally, the Commission approved \$6,000,000 to develop or improve the quality of energy efficient technologies for all customer classes.

Throughout the year, Michigan Public Service Commission staff conducted Michigan's electric Capacity Need Forum, a collaborative effort involving approximately 150 individuals representing approximately 60 organizations. The Forum, established through an October 2004 Commission order, was the first major effort to assess Michigan's electric generating capacity needs since the mid-1980s. Based on a January 3, 2006 MPSC staff report, Michigan's future electric capacity needs are adequate to meet the state's demand at this time but growing demand will require additional measures by 2009 to ensure that its electric grid keeps power flowing. The Commission expects to give careful consideration to the staff's recommendation and will conduct a public hearing in March 2006.

On December 22, 2005 the Commission unbundled Consumers Energy Company's and The Detroit Edison Company's rate schedules as required by Public Act 141 of 2000. The new unbundled rates are transparent and therefore make it much easier for customers to compare full service and choice service options. The Commission also found that it is unlikely that there will be any new stranded costs in the future.

Natural gas markets were characterized by unprecedented price volatility and sizable increases in wholesale gas prices that prompted the regulated gas utilities to file for re-opening of their gas cost recovery plan proceedings. The Commission instituted expedited schedules for processing these cases, issuing seven orders between October 26 and November 30, 2005. These orders established fixed rate price ceilings that balanced the interests of both the ratepayers and utilities during the winter.

Significant growth continued in the MPSC's Electronic Case Filings Program, with nearly 62% of all new cases filed electronically. In response to participant support, the Commission expanded its Paperless Electronic Case Filings Program to include all new natural gas and electric cases, other than small business and residential complaints, and expanded local calling applications for telecommunication providers, effective June 1, 2005. Ninety-nine paperless electronic cases were filed with the Commission in 2005, reducing applicant copying and distribution costs and providing nearly immediate public access to these documents on the MPSC Website.

The MPSC issued more than 40,000 2006 MPSC decals for intrastate motor carrier authority and collected \$5.6 million in total decal sales.

We look forward to working with you on future matters vital to Michigan residents and businesses.

Respectfully submitted,
J. Peter Lark, Chairman
Laura Chappelle, Commissioner
Monica Martinez, Commissioner

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, March 2:
House Bill Nos. 4228 4259 4566 5606 5744 5745

The Secretary announced the enrollment printing and presentation to the Governor on Monday, March 6, for her approval the following bills:

Enrolled Senate Bill No. 1005 at 2:48 p.m.
Enrolled Senate Bill No. 52 at 2:50 p.m.

the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers," by amending section 19 (MCL 455.219).

(Filed with the Secretary of State on March 2, 2006, at 3:43 p.m.)

Date: March 2, 2006
Time: 10:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 561 (Public Act No. 43), being

An act 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.

(Filed with the Secretary of State on March 2, 2006, at 3:41 p.m.)

Date: March 2, 2006
Time: 10:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 128 (Public Act No. 46), being

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.

(Filed with the Secretary of State on March 2, 2006, at 3:47 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

March 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 323 and 324 of the Ski Area Safety Act of 1962, 1962 PA 199, MCL 408.323 and 408.324:

Ski Area Safety Board

Mr. Michael S. Call of 7661 Worden Road, Beulah, Michigan 49617, county of Benzie, succeeding James MacInnes, whose term has expired, representing Lower Peninsula ski area managers, for a term commencing March 3, 2006 and expiring June 8, 2009.

Mr. William C. Topham of 5217 Cortland, Midland, Michigan 48642, county of Midland, succeeding Jeffrey Deacon, whose term has expired, representing engineers with ski experience, for a term commencing March 3, 2006 and expiring June 8, 2007.

Mr. Joel M. Woods of 5259 Tyrol Lane, Harbor Springs, Michigan 49740, county of Emmet, succeeding Art Tebo, whose term has expired, representing Lower Peninsula ski area managers, for a term commencing March 3, 2006 and expiring June 8, 2009.

March 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 5 of 1964 PA 286, MCL 247.805:

Director of Department of Transportation

Mr. Kirk T. Steudle of 57694 Hidden Timbers Drive, South Lyon, Michigan 48178, county of Oakland, succeeding Gloria J. Jeff, appointed for a term commencing March 4, 2006 and expiring at the pleasure of the Governor.

March 3, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102:

Michigan Travel Commission

Ms. Patricia E. Mooradian of 950 Satterlee Road, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Steven K. Hamp, who has resigned, representing persons experienced in the travel, tourism, and recreation industry or a related field, for a term commencing March 3, 2006 and expiring August 20, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

LABOR; YOUTH EMPLOYMENT STANDARDS;
REVISE MAXIMUM NUMBER OF HOURS MINOR MAY WORK

March 3, 2006

Today I have vetoed and return with my objections Enrolled Senate Bill 179, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

As I said in my veto message of similar legislation in 2004, education should be the first priority of Michigan teenagers. Current Michigan law prevents 16- and 17-year old students from spending more than a combined 48 hours per week in school or on the job. This is an attempt to assure that young people concentrate on school and do not spend too much time in the workplace. As most Michigan teenagers attend school about 30 hours per week, they legally may not work more than 18 hours.

But under Senate Bill 179 these employment standards would be relaxed, allowing high school students to work more hours, up to 20 hours per week, regardless of the amount of time they spend in school. While I support efforts to reduce administrative burdens for employers, I am concerned that increased hours in the workplace for students will lead to decreased performance in the classroom and on standardized tests.

Now that the State Board of Education has recommended higher academic standards for high school students, this is not the time to lower standards that encourage our young people to focus on school. Education must come first.

Therefore, I return Enrolled Senate Bill 179 without signature.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on March 3, 2006, at 3:23 p.m.

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

The motion prevailed.

Messages from the House

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

Senate Bill No. 932

The motion prevailed.

Senator Prusi entered the Senate Chamber.

Senate Bill No. 1024, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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. 1026, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 32 (MCL 24.232).

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. 1027, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 10 (MCL 400.710), as amended by 1986 PA 257.

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. 1028, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 1 and 6 (MCL 400.1 and 400.6), as amended by 1995 PA 223.

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. 959, entitled

A bill to amend 1990 PA 345, entitled “State survey and remonumentation act,” by amending section 11 (MCL 54.271).

(For text of amendment, see Senate Journal No. 21, p. 349.)

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. 119

Yeas—22

| | | | |
|---------------|-------------|---------|-----------|
| Basham | Clarke | Johnson | Schauer |
| Bishop | Emerson | Kuipers | Scott |
| Brater | Goschka | Leland | Sikkema |
| Cassis | Hammerstrom | Olshove | Switalski |
| Cherry | Hardiman | Prusi | Thomas |
| Clark-Coleman | Jacobs | | |

Nays—15

| | | | |
|----------|---------|-----------|-------------|
| Allen | Cropsey | Jelinek | Stamas |
| Barcia | Garcia | McManus | Toy |
| Birkholz | George | Patterson | Van Woerkom |
| Brown | Gilbert | Sanborn | |

Excused—0

Not Voting—0

In The Chair: President

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

Senator Brater stated that had she been present on March 2 when the vote was taken on advising and consenting to the appointment of Ms. Verlie M. Ruffin as the Children's Ombudsman, she would have voted "yea".

Senator Brater stated that had she been present on March 2 when the votes were taken on the passage of the following bills, she would have voted "yea":

House Bill No. 5315
House Bill No. 5316
House Bill No. 5317
House Bill No. 5318
House Bill No. 5319
House Bill No. 5320
House Bill No. 5321
House Bill No. 5323
Senate Bill No. 868
Senate Bill No. 870
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 908

Third Reading of Bills

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

Senate Bill No. 1047
Senate Bill No. 1035
House Bill No. 5494
House Bill No. 5675

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1047, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

The question being on the passage of the bill,

Senator Basham offered the following amendments:

1. Amend page 4, line 1, after "IN" by striking out "AUGUST" and inserting "JULY".
2. Amend page 4, line 2, after "2003," by inserting "AND".
3. Amend page 4, line 3, after "2004" by striking out the balance of the line through "ZONE" on line 4.

The amendments were adopted, a majority of the members serving voting therefor.

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. 120

Yeas—37

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

Nays—0

Excused—0

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. 1035, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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. 121

Yeas—37

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

Nays—0

Excused—0

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. 5494, 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. 122**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

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

“An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5675, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

The question being on the passage of the bill,

Senator Jelinek offered the following amendments:

1. Amend page 25, line 26, after "**PERIOD,**" by striking out "**AN EMPLOYEE, BOARD MEMBER, OR OFFICIAL OF A**" and inserting "**ALL OF THE FOLLOWING APPLY:**

(A) A".

2. Amend page 26, line 1, after the second "**SCHOOL**" by striking out "**MAY**" and inserting "**OR A STATE AGENCY SHALL**".

3. Amend page 26, line 4, after "**15.246,**" by striking out "**ONLY**".

4. Amend page 26, following line 6, by inserting:

"(B) IF THE INFORMATION CONCERNS A TYPE OF CONVICTION OTHER THAN A CONVICTION DESCRIBED IN SUBDIVISION (A), THE INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND BOTH OF THE FOLLOWING APPLY:

(i) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY DISCLOSE THE INFORMATION TO THE PUBLIC.

(ii) A STATE AGENCY SHALL DISCLOSE THE INFORMATION TO THE PUBLIC UPON REQUEST, EXCEPT THAT THE STATE AGENCY SHALL ENSURE THAT THE INFORMATION DOES NOT INCLUDE ANY PERSONAL IDENTIFYING INFORMATION."

The amendments were adopted, a majority of the members serving voting therefor.

Senator Hammerstrom moved to reconsider the vote by which the amendments were adopted.

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

The question being on the adoption of the amendments,

The amendments were adopted, a majority of the members serving voting therefor.

Senator Jelinek offered the following amendments:

1. Amend page 18, line 20, after "police." by inserting "**THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.**".

2. Amend page 35, line 26, after "police." by inserting "**THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.**".

3. Amend page 37, following line 4, by inserting:

"(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D."

4. Amend page 46, line 22, after "police." by inserting "**THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.**".

5. Amend page 47, following line 27, by inserting:

"(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D."

The amendments were adopted, a majority of the members serving voting therefor.

Senator Bishop offered the following amendments:

1. Amend page 25, line 19, after "**OF**" by striking out "**14 DAYS**" and inserting "**15 BUSINESS DAYS**".

2. Amend page 25, line 23, after "**THE**" by striking out "**14-DAY**" and inserting "**15 BUSINESS DAYS**".

3. Amend page 25, line 26, after "**THE**" by striking out "**14-DAY**" and inserting "**15 BUSINESS DAYS**".

The amendments were adopted, a majority of the members serving voting therefor.

Senator Switalski offered the following amendments:

1. Amend page 19, line 7, after “a” by striking out “crime,” and inserting “**MISDEMEANOR INVOLVING PHYSICAL OR SEXUAL ABUSE OR ANY FELONY,**”.

2. Amend page 25, line 27, after “(A)” by striking out the balance of the line through “**15.246,**” on line 4 of page 26 and inserting “**A STATE AGENCY SHALL DISCLOSE INFORMATION IN A RECORD DESCRIBED IN SUBSECTION (1)**”.

3. Amend page 36, line 13, after “a” by striking out “crime,” and inserting “**MISDEMEANOR INVOLVING PHYSICAL OR SEXUAL ABUSE OR ANY FELONY,**”.

4. Amend page 47, line 9, after “a” by striking out “crime,” and inserting “**MISDEMEANOR INVOLVING PHYSICAL OR SEXUAL ABUSE OR ANY FELONY,**”.

The amendments were adopted, a majority of the members serving voting therefor.

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. 123

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

As a reminder, the inaccurate list of school employees that has been the center of the controversy was not—I repeat, was not—created in accordance with the law. Additionally, both the Department of State Police and the Department of Education, the two departments involved, did not screen the lists really for inaccuracies. While deplorable, fortunately, that list is now history.

This bill would go a long way toward creating an accurate list, according to testimony before the Judiciary Committee. The heart of the problem is the media printing and associating false data with the names of innocent employees, based on an inaccurate list. As our Constitution states, and I quote, "Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right..." To insist on the right to publish a list that is still being verified is unconscionable. And that is the tension we need to resolve—an individual's right to privacy with the corresponding right of the public to know how their government operates.

This amendment will allow the media to print names while giving the employees some level of privacy protection. At the state level, all information, except personal identifying information, would be subject to FOIA. This would give a picture statewide of school employees. Locally, all felonies will be subject to FOIA, as well as all misdemeanors that require discharge from employment, by name. All other misdemeanor convictions would not be subject to FOIA. However, a school could release the convictions and names if they so desired. This last point is very important, as it allows each district to tailor the release of names based upon whether or not the record is pertinent to how they fulfill their obligation to teach our children.

This amendment is the result of careful analysis of the case law on the Freedom of Information Act. The controlling decision is the Michigan Supreme Court decision in *Mager v. Department of State Police*. This decision delineates the purpose of the Freedom of Information Act by saying, "which is contributing significantly to public understanding of the operations or activities of the government. That purpose, however, is not fostered by full disclosure of information about private citizens that is accumulated in various government files, but that reveals little or nothing about the agency's own conduct." And finally, quote "...fulfilling a request for information on private citizens, a request entirely unrelated to any inquiry regarding the inner working of government, or how well the Department of State Police is fulfilling its statutory functions, would be an unwarranted invasion of the privacy of those citizens."

Bottom line—the courts have consistently ruled for years that it is an unwarranted invasion of privacy to use the power of the Freedom of Information Act to gain information that has nothing to do with how a government entity fulfills its statutory obligations. A minor in possession conviction 30 years ago has nothing to do with how a school functions. Neither does an old malicious destruction of property misdemeanor from tearing down a goalpost in college days or an uttering and publishing conviction or even an old OUIL conviction, unless the employee drives with students in any official capacity. And that's why we leave the decision up to the local school district as to which convictions to release if they have nothing to do with how the school operates or protects its students.

The media can always FOIA court records if they want to expose convictions that are unrelated to a person's employment. But Americans treasure the right to privacy, and at some point, we need to respect that value while respecting the intent of the Freedom of Information Act. This amendment attempts to reach that balance.

Pertinent decisions include the *Mager* case, *Detroit Free Press v. Department of State Police et al*, *Larry S. Baker v. City of Westland*, *Detroit Free Press v. Department of Consumer and Industry Services et al*, in which the court stated that redacting names of private citizens "strikes a balance between preserving 'the informative value' of the records sought and protecting the individual's right to privacy." Other cases are the *Detroit Free Press v. City of Warren*, the *Grand Rapids Press v. Kent County Sheriff's Department*, *Stone Street Capital, Inc., v. Michigan Bureau of State Lottery*, and most recently this past December, *Detroit Free Press v. City of Southfield*.

The amendment gives the public the right to know if an employee's record affects their child while protecting the employee's right to privacy.

I urge your support.

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 Van Woerkom 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 bill:

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.

The bill was placed on the order of Third Reading of Bills.

Resolutions

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

Senate Resolution No. 102

The resolution consent calendar was adopted.

Senator Clark-Coleman offered the following resolution:

Senate Resolution No. 102.

A resolution proclaiming March 5-11, 2006, as School Social Work Week.

Whereas, Children need a supportive environment in order to learn the skills that will prepare them to become productive members of society; and

Whereas, Children have different backgrounds, abilities, and needs, but all can succeed; and

Whereas, Linking schools to human services, reducing barriers to learning, and facilitating positive learning atmospheres within schools require specialized mental health professionals; and

Whereas, School social workers, who constitute the 700 members of the Michigan Association of School Social Workers and are among the 6,000 members of the Michigan Chapter of the National Association of Social Workers, are trained to provide the specialized services to ensure the well-being of children and reduce barriers to learning through working with families, teachers, and community organizations; and

Whereas, The Michigan Association of Social Workers has partnered with the Legislature, lending their expertise in shaping policies that affect the well-being, safety, and success of students in Michigan's schools on issues that have included special education, prevention of bullying and violence, and psychotropic medications in schools; and

Whereas, School social workers across the country will mark the 100th anniversary of their profession during national School Social Work Week, March 5-11, 2006; now, therefore, be it

Resolved by the Senate, That March 5-11, 2006, be proclaimed as School Social Work Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Social Workers and the Michigan Chapter of the National Association of Social Workers as a token of our esteem.

Introduction and Referral of Bills

Senators Goschka, Barcia, Allen, Cropsey and Birkholz introduced

Senate Bill No. 1120, entitled

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

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

Senators Stamas, Goschka, Hardiman, Hammerstrom and Birkholz introduced

Senate Bill No. 1121, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 2004 PA 555.

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

House Bill No. 4228, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding sections 502a, 511, 511a, 511b, and 759c.

The House of Representatives has passed the bill.

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

House Bill No. 4259, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

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

House Bill No. 4566, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

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 Economic Development, Small Business and Regulatory Reform.

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

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

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

House Bill No. 5744, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 114 and 114a (MCL 330.1114 and 330.1114a), section 114 as amended and section 114a as added by 1995 PA 290.

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

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

House Bill No. 5745, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2233 (MCL 333.2233), as amended by 1996 PA 67.

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

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

Statements

Senators Brater, Scott, Stamas, Switalski and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

Mr. President and colleagues, I rise to note with deep sadness the loss of Staff Sergeant Curtis T. Howard II of Ann Arbor, Michigan. We join together today with his family, friends, fellow soldiers, and all Americans in honoring this fallen hero.

Curtis T. Howard II gave his life on Wednesday, February 22, 2006. He was struck by a roadside bomb while serving his country near Balad, Iraq. Staff Sergeant Howard was a member of the 4th Infantry Division.

Staff Sergeant Curtis T. Howard II graduated from Ann Arbor's Huron High School in 1991. There he was known as a star basketball player and a leader who served as a mentor and role model to many other students. Two years later, Sergeant Howard enlisted in the United States Army, where he was stationed at Fort Carson, in Colorado Springs, Colorado. He was on his second tour of duty in Iraq when he was killed.

According to his father, Curtis was a true military guy. When he was sent back for his second tour of duty in December, he did not complain. Curtis was a sergeant in the military, and he took his job very seriously. Curtis T. Howard II was an honorable, duty-bound soldier who cared deeply for and loved his family, friends, and country. He is survived by his parents Curtis and Linda, a sister, his young sons Dominic and Christian, and daughters Valencia and Tatiana. He also leaves behind many other loving family members and devoted friends. He will be deeply missed by all who knew him.

I ask you to join me today in honoring United States Army Staff Sergeant Curtis T. Howard II. We will remember him for his selfless service and admire his commitment to duty. Although no words or special presentations can ease the pain of losing Curtis, may his family know of our highest respect and appreciation for his extraordinary dedication, and may his heroic efforts to serve our country never be forgotten.

A moment of silence was observed in memory of Army Staff Sergeant Curtis T. Howard II.

Senator Scott's statement is as follows:

I wish to read a letter that was sent to the chair of the Committee on Banking and Financial Institutions. It says:

"Thank you for allowing me to speak in support of Senate Bill No. 261 on February 3, 2006, and thank you for listening.

As I sat listening to others speak and answer questions, my thoughts kept wondering about the purpose of government. Here I am speaking before the state of Michigan government, but hearing nothing except personal and self-interest of men who are elected to serve the best interests of the citizens of the state of Michigan. I felt that some members of your committee were more concerned about what was good for their individual districts even though they are sworn to uphold the Constitution of the state of Michigan, paid a salary, and staff expenses from the State Treasurer, given an excellent retirement package, and the best medical care money can buy all at the expense of taxpayers who are struggling to make ends meet. So I wonder if we still have a government for the people, by the people, and of the people, or is it the other way around: government for the government, by the government, and of the government.

The Preamble to the United States Constitution says, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity."

In 1973, the people of the state of Michigan passed a law that made it unlawful to drive an automobile unless the driver and auto were insured under the provisions of that law. I worked through the Michigan Federation of Teachers, AFL-CIO to help establish that law because I thought it was the right thing to do. I believe the law applied to all auto owners and drivers in the state of Michigan equally, as all state laws do. Never in my wildest dream could I believe the insurance law would or could allow the state law to be applied so unequally throughout the state.

In discussions with the people I represent, there is a belief that the rates being charged to their friends, neighbors, and themselves are unjust, unfair, and unlawful, and that the state government must change the way insurance is administered around the state. We, the Communications Council of Metro Detroit and Windsor, believe that you want the laws to be fair and just to all citizens of the state of Michigan."

Senator Stamas' statement is as follows:

Colleagues, yesterday Georgia-Pacific announced it would permanently close the doors on their Gaylord particleboard facility. Georgia-Pacific, North America's leading producer of composite panels, has operated this plant in Gaylord since they purchased it in 1987.

The Gaylord facility was built in 1965 and produced particleboard used for office furniture and floor decking for manufactured housing. Obviously, I was extremely disappointed to hear of this closure. My thoughts and prayers immediately go out to the 210 workers and their families, for they now find themselves unemployed. Just to give you a little perspective, in Otsego County, 210 workers in Gaylord is roughly the equivalent of 10,000 people being laid off all at once in Oakland County.

Now from what I understand, the plant closing is not a result of outsourcing. It is simply a business decision, but that doesn't make the decision any easier to accept.

Along with Representative Kevin Elsenheimer, I am working with officials at all levels of government and am using every resource available to help the constituents of my district who have obviously been devastated by this news. In the very near future, we will be presenting a comprehensive strategy to help those who have been impacted by this economic hardship. It is my hope that my colleagues in both chambers, along with the administration, will work with us in this regard.

Senator Switalski's statement is as follows:

I bring stunning, great news to the Michigan Senate. For six years, I've been told, "No, absolutely not. It's too slow. It's boring." But all is now right with the world. My 12-year-old son has decided to play baseball.

Senator Clark-Coleman's statement is as follows:

I introduced a resolution for the Michigan Association of School Social Workers, proclaiming this week as Michigan Association of School Social Workers Week in the state of Michigan. All of us did sign onto it and I do thank all of you. I have with us today Jon Wurdock, who is president of the Michigan Association of School Social Workers, in the balcony. I would urge my colleagues here to welcome him here and congratulate them on this special week.

Committee Reports

The Committee on Health Policy reported

House Bill No. 5063, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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, 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, March 1, 2006, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Patterson

The Committee on Appropriations reported

Senate Bill No. 969, entitled

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

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 1, 2006, at 2:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, March 2, 2006, at 12:30 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Cropsey

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Friday, March 3, 2006, at 10:00 a.m., Macomb ISD, 44001 Garfield Road, Clinton Township

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

Excused: Senators Van Woerkom and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Public hearing held on Friday, March 3, 2006, at 10:00 a.m., Kettering University, Campus Center, 1700 W. Third Avenue, Flint

Present: Senators Goschka (C), Cherry and Prusi

Excused: Senators Johnson and Hardiman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Friday, March 3, 2006, at 3:00 p.m., Port Huron High School, 2215 Court Street, Port Huron

Present: Senators Kuipers (C) and Cassis

Excused: Senators Van Woerkom, Clark-Coleman and Leland

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Public hearing held on Monday, March 6, 2006, at 1:00 p.m., Marquette Senior High School, 1203 W. Fair Avenue, Marquette

Present: Senator Kuipers (C)

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

Scheduled Meetings

21st Century Jobs Funds Joint Select Oversight Committee (SCR 38) - Thursday, March 9, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2420)

Agriculture, Forestry and Tourism - Thursday, March 9, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

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

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

Environmental Quality Department - Wednesday, March 8, 3:00 p.m., and Tuesday, March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

Judiciary and Corrections - Tuesday, March 14, 3:00 p.m., Room 402, Capitol Building (373-3760)

K-12, School Aid, Education - Thursdays, March 9, 12:30 p.m. and March 16, 1:00 p.m., Rooms 402 and 403, Capitol Building; and Monday, March 20, 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-6960)

Natural Resources Department - Wednesdays, March 8 (CANCELED) 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)

Economic Development, Small Business and Regulatory Reform - Wednesday, March 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, March 9, 2:00 p.m., Room 210, Farnum Building (373-6920)

Government Operations - Wednesday, March 15, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-0797)

Health Policy - Wednesday, March 8, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Thursday, March 9, 3:30 p.m., Room 927, South Tower, House Office Building (373-0575)

Local, Urban and State Affairs - Thursday, March 9, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:50 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 8, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

