

No. 51
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, May 25, 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—excused
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—excused
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—excused
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—excused
Toy—present
Van Woerkom—present
Whitmer—present

Pastor Tom Evans of First United Methodist Church of Eaton Rapids offered the following invocation:

Lord, we are blessed to live in such a great country and state. We are thankful for the representative dreams and ideals which have been handed down to us and for the gift of freedom. We are grateful for the patriotic men and women who give of themselves in public service and whose self-interest gives way to the public welfare.

As we draw near to Memorial Day, we pay special tribute to the men and women presently serving in the Armed Forces and for the long tradition over two hundred years of the veterans who have sacrificed for their country.

We pray for an end to war and injustice. We ask protection for troops serving in the world's troubled spots. We are grateful for all those, past and present, who have faithfully answered the call to put themselves in harm's way so that Americans and others can live as free people.

May Your presence be among us today. Enable us to listen to You so that our decisions might be right and just. Many of the concerns that the Michigan Senate and government face may seem overwhelming to us. Remind us again that it is only through our reliance on You that they can become manageable. It is only in listening to You, God, that we receive true wisdom that goes beyond politics and makes us into statesmen and women.

Let all that we say and do be pleasing in Your sight. Amen.

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

Motions and Communications

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

Senate Bill No. 246

The motion prevailed.

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

The motion prevailed.

Senator Hammerstrom moved that Senators Sanborn and Gilbert be excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Garcia 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.

Senator Schauer moved that Senator Clarke be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senators Clark-Coleman and Thomas be excused from today's session.

The motion prevailed.

Senators Johnson and Cassis entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, May 24:

House Bill No. 5056

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 25:

House Bill Nos. 4431 5789 5796 5977 6069

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 24, for her approval the following bill:

Enrolled Senate Bill No. 242 at 3:06 p.m.

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, May 24, and are available at the legislative website:

Senate Bill Nos. 1275 1276 1277 1278 1279 1280
House Bill Nos. 6099 6100
House Joint Resolution X

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
Senate Bill No. 179
Senate Bill No. 1026
Senate Bill No. 1027
Senate Bill No. 1028
Senate Bill No. 372
Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 976
The motion prevailed.

The following messages from the Governor were received:

Date: May 23, 2006
Time: 11:44 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1171 (Public Act No. 150), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 168 (MCL 750.168).

(Filed with the Secretary of State on May 24, 2006, at 2:34 p.m.)

Date: May 23, 2006
Time: 11:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1229 (Public Act No. 151), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments,

informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

(Filed with the Secretary of State on May 24, 2006, at 2:36 p.m.)

Date: May 23, 2006
Time: 11:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1199 (Public Act No. 152), being

An act to allow the requiring of a permit before demonstrating outside of locations in which a funeral service is being held; to allow local units of government to prohibit certain conduct at or near the locations in which a funeral service is being held; to prescribe the powers and duties of certain local governments and officials; and to provide for penalties.

(Filed with the Secretary of State on May 24, 2006, at 2:38 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

Messages from the House

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

Senate Bill No. 875

The motion prevailed.

Senate Bill No. 1112, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1115, entitled

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

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

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

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

Senate Bill No. 1116, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3, 8, and 17 (MCL 722.623, 722.628, and 722.637), section 3 as amended by 2002 PA 693, section 8 as amended by 2004 PA 195, and section 17 as added by 1997 PA 168.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 8 and 17 (MCL 722.628 and 722.637), section 8 as amended by 2004 PA 195 and section 17 as added by 1997 PA 168.

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

Senate Bill No. 1119, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 17, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2006."

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. 1133, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending sections 1, 2, 2a, 2b, 2c, 3b, 3c, 3e, 4, 5a, 5c, 5d, 5e, 5g, 5h, 5i, 5j, 5n, 5o, 5p, 6, 10, 16, 21b, 21c, 21d, 23, 24, 26, 28, 29, 30, 31, and 32 (MCL 29.1, 29.2, 29.2a, 29.2b, 29.2c, 29.3b, 29.3c, 29.3e, 29.4, 29.5a, 29.5c, 29.5d, 29.5e, 29.5g, 29.5h, 29.5i, 29.5j, 29.5n, 29.5o, 29.5p, 29.6, 29.10, 29.16, 29.21b, 29.21c, 29.21d, 29.23, 29.24, 29.26, 29.28, 29.29, 29.30, 29.31, and 29.32), sections 1, 3b, 3c, 5a, 5c, 5d, 5e, and 31 as amended by 1996 PA 152, sections 2a and 21c as amended and sections 2b, 3e, and 5i as added by 1980 PA 247, section 2c as added by 1996 PA 147, section 4 as amended by 1980 PA 516, section 5g as amended by 1987 PA 70, sections 5j, 5n, and 5o as added by 1981 PA 186, section 5p as added by 1986 PA 67, section 6 as amended by 2001 PA 32, and sections 26, 28, 29, 30, and 32 as added by 1982 PA 144, and by adding sections 1b, 1c, 1d, and 1e; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 9, line 19, by striking out all of subdivision (B) and relettering the remaining subdivisions.

2. Amend page 16, line 13, by striking all of subdivision (g) and inserting:

"(G) ONE SHALL BE AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING CRITERIA:

(i) THE INDIVIDUAL IS A MEMBER OF THE GOVERNING BOARD OF A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT.

(ii) THE INDIVIDUAL IS EMPLOYED BY A SCHOOL DISTRICT, A PUBLIC SCHOOL ACADEMY, OR AN INTERMEDIATE SCHOOL DISTRICT IN AN ADMINISTRATIVE CAPACITY.

(iii) THE INDIVIDUAL IS A MEMBER OF, OR IS EMPLOYED BY, A STATEWIDE ASSOCIATION REPRESENTING SCHOOL BOARD MEMBERS OR SCHOOL ADMINISTRATORS."

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. 1139, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 10, 11, and 20 (MCL 400.710, 400.711, and 400.720), sections 10 and 20 as amended by 1986 PA 257 and section 11 as amended by 1992 PA 176.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Patterson introduced

Senate Bill No. 1283, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 2004 PA 542.

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

Senator Toy introduced

Senate Bill No. 1284, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 2006 PA 22.

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

Senators Stamas, Kuipers, Cropsey, Garcia, Goschka, Barcia, Allen and Brown introduced

Senate Bill No. 1285, entitled

A bill to amend 1931 PA 327, entitled "An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state; to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations," by amending sections 171 and 176 (MCL 450.171 and 450.176) and by adding section 177a.

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

Senators Stamas, Kuipers, Cropsey, Garcia, Goschka, Barcia, Allen and Brown introduced

Senate Bill No. 1286, entitled

A bill to amend 1964 PA 142, entitled "An act to authorize the state department of education to provide minimum requirements for nonincorporated privately operated institutions which purport to offer degrees, diplomas or certificates based on education beyond high school, or education for transfer to institutions of higher learning," (MCL 390.771 to 390.772) by adding section 1a.

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

House Bill No. 4431, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2004 PA 58.

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 Judiciary.

House Bill No. 5056, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown

development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 4 (MCL 125.1654), as amended by 2005 PA 115.

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 Economic Development, Small Business and Regulatory Reform.

House Bill No. 5789, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 20, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32k, 32l, 34, 37, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 99b, 101, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632k, 388.1632l, 388.1634, 388.1637, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1699b, 388.1701, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11g, 11j, 15, 18, 20j, 22a, 22b, 22d, 24, 26a, 31d, 32c, 32d, 32j, 37, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, 54a, and 99b as added by 2005 PA 155, section 11f as amended by 2006 PA 119, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, section 20 as amended and section 34 as added by 2006 PA 120, sections 25a and 161a as added by 1998 PA 553, section 31a as amended by 2006 PA 121, section 32k as added by 2004 PA 351, section 51a as amended by 2006 PA 90, and section 121 as amended by 1995 PA 130, and by adding sections 11m, 22c, 32b, 54b, 57a, 66, 92, 99c, 99d, 99e, 99f, and 104; and to repeal acts and parts of acts.

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 Appropriations.

House Bill No. 5796, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2006 and September 30, 2007; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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 Appropriations.

House Bill No. 5977, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1284b (MCL 380.1284b), as amended by 2005 PA 144.

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 Education.

House Bill No. 6069, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1225 (MCL 380.1225), as amended by 2002 PA 246.

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 Education.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:18 a.m.

11:03 a.m.

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

During the recess, Senator Garcia presented the 12th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the Brighton VFW Post 4357 Honor Guard, Kalamazoo Pipe Band, and VFW Post Commanders.

Senator Garcia introduced Brittin Radcliffe, Howell Latson Road Elementary School music teacher, who sang the "National Anthem."

Senator Garcia introduced Brigadier General Richard A. Stone, United States Army Reserve, who addressed the Senate concerning his experiences during war.

Senator Toy addressed the Senate with a special tribute concerning the efforts of our troops.

Senator Brown acknowledged the names of service members who have fallen since September 11.

Senators Allen, Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cherry, Clarke, Cropsey, Schauer, George, Hammerstrom, Hardiman, Jacobs, Jelinek, Kuipers, McManus, Prusi, Sikkema, Toy, Van Woerkom and Whitmer acknowledged Michigan fallen soldiers during a roll call of the number of casualties since the 2005 Memorial Day Ceremony.

A moment of silence was observed in memory of those who lost their lives serving their country.

Dale Sprosty and the Kalamazoo Pipe Band played "Taps" and "Amazing Grace."

Senator Garcia acknowledged Senators who serve and have served in the military: Senators Hardiman, Allen, Basham and himself.

During the recess, Senator Clarke entered the Senate Chamber.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 1215, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 15a (MCL 474.65a), as added by 2002 PA 747.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George and Barcia

Nays: Senators Cherry, Clarke and Switalski

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Tuesday, May 23, 2006, at 8:30 a.m., Room 405, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

Scheduled Meetings

Families and Human Services/House Family and Children Services/House Department of Human Services Appropriations Subcommittee - Wednesday, May 31, 3:00 p.m. or later immediately following House session, Room 519, South Tower, House Office Building (373-1801)

Judiciary - Tuesday, May 30, 1:00 p.m., Room 210, Farnum Building (373-3760)

Local, Urban and State Affairs - Thursday, June 8, 1:00 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Tuesday, May 30, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, May 31, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:04 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 30, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

