

No. 52
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, May 30, 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
Whitmer—present

Missionary Hattie B. Humphrey of Mayflower Baptist Church of Detroit offered the following invocation:

Father, we thank Thee for this day. We thank You for gathering us in this place. We pray for the blessing upon all our leaders, for You to guide them and protect them.

Lord, we pray this morning for our country and for all of those who are in need. Bless us right now. Make everyone have a mind to do the right thing. Bless their homes; bless their coming in and going out. Lord, we thank You for everything.

I know they think I'm going to say a long prayer, but thank You, Jesus. Amen.

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

Recess

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

The motion prevailed, the time being 10:04 a.m.

10:23 a.m.

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

During the recess, Senators Leland, Sikkema, Patterson, Gilbert, Hammerstrom, Cropsey, Stamas, Johnson, Jelinek, Van Woerkom, McManus, Brown, George, Kuipers, Allen, Hardiman, Bishop, Sanborn, Birkholz, Garcia, Cassis and Toy entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Goschka entered the Senate Chamber.

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

Senate Bill No. 246

The motion prevailed.

The Secretary announced that the following official bills were printed on Thursday, May 25, and are available at the legislative website:

Senate Bill Nos. 1281 1282

House Bill Nos. 6101 6102 6103 6104 6105 6106 6107 6108 6109

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

Senate Bill Nos. 1283 1284 1285 1286

House Bill Nos. 6110 6111 6112

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 message from the Governor was received on May 26, 2006, and read:

EXECUTIVE ORDER
 No. 2006-8

Recognizing Memorial Day

WHEREAS, Memorial Day was first officially proclaimed on May 5, 1868 by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, in General Order No. 11, and was first observed on May 30, 1868, when flowers were placed on the graves of soldiers at Arlington National Cemetery;

WHEREAS, in proclaiming Memorial Day, General Logan wrote, "Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic";

WHEREAS, on Memorial Day we recognize individuals who have died in service to the United States of America, making the ultimate sacrifice to defend the freedoms our Nation holds so dear;

WHEREAS, we remember in particular those that have given their lives in service to our country during the past year;

WHEREAS, under Section 6103 of Title 5 of the United States Code, 5 USC 6103, and Section 1 of 1865 PA 124, MCL 435.101, the last Monday in May is set aside as a legal public holiday in observance of Memorial Day;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, on Memorial Day the flag of the United States is to be displayed at half-staff until noon only, then raised to the top of the staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on Memorial Day morning as a mark of respect for the memory, and in honor of the service, of those killed defending our priceless freedom, peace and security;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, direct and proclaim:

A. On Memorial Day, Monday, May 29, 2006, until 12:00 noon that day, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan and on Michigan waters, including at or on all state buildings and facilities.

B. When flown at half-staff on Memorial Day, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position, where it should be flown until noon only, then raised to the top of the staff.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 26th day of May, 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.

The following message from the Governor was received and read:

APPROPRIATIONS; SUPPLEMENTAL APPROPRIATIONS

May 25, 2006

Today I have signed Enrolled Senate Bill 242, which provides \$231 million in supplemental appropriations for the current fiscal year. However, I am returning it to you because of items of which I disapprove pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

Among other items, this bill authorizes critical spending for state and local Michigan Natural Resources Trust Fund projects and boating access sites; recognizes additional quality assurance assessment revenue in the Medicaid program; authorizes funding for road and bridge construction; and appropriates additional federal and state restricted funding in various agencies which became available after the fiscal year 2006 budget was enacted.

I disagree with the following items:

- I have vetoed the appropriations to the Department of Corrections Executive Operations line item and Section 241 because I believe that the conditions in Section 241 would limit the department's ability to manage prison operations and to protect public safety in the most cost-effective and efficient manner possible.
- I have vetoed the earmarked appropriation for a site assessment at Little Black Creek, and related Section 249, because special projects like this should be considered as part of the regular site assessment process.
- I have vetoed the Foster Care Payments appropriation and Section 253 because I believe that the conditions imposed in Section 253 would limit the ability of the Department of Human Services to place children in the most appropriate setting based on a complete assessment of the child's needs.
- I have also vetoed a \$500,000.00 appropriation to the Department of State for election administration and services included in Section 120(3). Under related boilerplate included in Section 441, the appropriation would have been directed to developing a procedure for providing identification cards for voters without a valid driver's license or state issued identification card. As Michigan law does not currently require a Michigan citizen to present a driver's license or state identification card when exercising his or her right to vote, this would not be an appropriate or effective expenditure of state funds. Funds for election administration and services would better be directed to developing programs that encourage citizens to vote and that make the election process more accessible such as no-excuse absentee voting, same day registration, and early voting. Such programs in other states are effective while maintaining the integrity of elections. Michigan must focus on encouraging voting rather than imposing financial obstacles between voters and the ballot box.
- I have vetoed \$100,000 in the Department of Treasury, and related Section 507, because of serious concerns about the potential impact of this appropriation on the confidentiality of individual tax records.

Additionally, with regard to the \$7 million dollars appropriated in Section 123(6) for Tobacco Securitization Economic Development and the related boilerplate included in Sections 502, 503, and 509 of the bill, I am directing the State Treasurer and the Michigan Strategic Fund to withhold any disbursements or expenditures until it is determined that the appropriations and related conditions are legally valid and consistent with the requirements of the Michigan Trust Fund Act and Chapter 8a of the Michigan Strategic Fund Act.

Lastly, I do not believe that Section 250 is enforceable since it attempts to amend Part 315 of the Natural Resources and Environmental Protection Act by reference. I also do not believe that Section 251 is enforceable because there is no TANF appropriation for this purpose in Part 1 of the bill.

I thank the members of the 93rd Legislature for your work on these important supplemental appropriations.

Respectfully,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on May 25, 2006, at 1:31 p.m. (Filed with the Secretary of State on May 25, 2006, at 3:27 p.m.) and assigned Public Act No. 153.

The question being on the passage of the vetoed line items, 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. 875

The motion prevailed.

Senate Bill No. 1134, entitled

A bill to amend 1978 PA 170, entitled "An act to provide for a state arson strike force unit and to prescribe the powers and duties of the strike force unit and the department of state police," by amending section 2 (MCL 28.72).

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. 1135, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204).

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. 1136, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155, 20156, and 22210 (MCL 333.20155, 333.20156, and 333.22210), section 20155 as amended by 2001 PA 218, section 20156 as amended by 1990 PA 179, and section 22210 as amended by 1993 PA 88; and to repeal acts and parts of acts.

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. 1137, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 3 (MCL 338.973).

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. 1138, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 1b, 3, 4, and 5a (MCL 388.851b, 388.853, 388.854, and 388.855a), section 1b as added by 2002 PA 628.

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. 1140, entitled

A bill to amend 1942 (1st Ex Sess) PA 9, entitled "An act providing for compensation to certain fire fighters injured in the safeguarding of life and property, and payment to the surviving spouse and dependents in case of death; and to make an appropriation therefor," by amending section 1 (MCL 419.201).

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. 1141, entitled

A bill to amend 1944 (1st Ex Sess) PA 52, entitled "An act to provide for the establishment of and quieting the title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood or other major disaster, and to establish the procedure therefor and to provide an appropriation to pay certain costs thereof," by amending section 16 (MCL 561.16).

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. 1142, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 138, 140, and 146 (MCL 330.1138, 330.1140, and 330.1146), section 138 as amended by 1995 PA 290.

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. 1143, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 243b (MCL 750.243b).

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. 1144, entitled

A bill to amend 1988 PA 456, entitled "An act to provide certain immunity from civil action to certain instructors," by amending section 1 (MCL 29.401).

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. 1145, entitled

A bill to amend 1988 PA 457, entitled "An act to provide certain immunity from civil liability to certain institutions of higher education and health facilities and employees of institutions of higher education and health facilities," by amending section 2 (MCL 29.412).

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. 1184, entitled

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

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.

Senator Hammerstrom moved that consideration of the following bill be postponed for today:
Senate Bill No. 1112
 The motion prevailed.

Senate Bill No. 1115, entitled

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.
 Substitute (H-2).
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 418

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 1116, entitled

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 detention 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.

Substitute (H-1).

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

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

Roll Call No. 419

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

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.

(For text of amendment, see Senate Journal No. 51, p. 1129.)

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. 420

Yeas—38

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas

Brown
Cassis
Cherry
Clark-Coleman

Goschka
Hammerstrom
Hardiman
Jacobs

Patterson
Prusi
Sanborn

Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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, 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, and 29.32), sections 1, 3b, 3c, 5a, 5c, 5d, and 5e 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.

(For text of amendments, see Senate Journal No. 51, p. 1129.)

The question being on concurring in the amendments made to the bill by the House,
The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 421

Yeas—38

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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.

Substitute (H-1).

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

Roll Call No. 422**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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 Barcia 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:

House Bill No. 5845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20112b.

The bill 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. 5798, entitled

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

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.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 5822, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7340.

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

1. Amend page 2, following line 22, by inserting:

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

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1282 of the 93rd Legislature is enacted into law."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 405, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending the title and sections 104, 106, 107, 114, 201, 202, 203, and 204 (MCL 570.1104, 570.1106, 570.1107, 570.1114, 570.1201, 570.1202, 570.1203, and 570.1204), sections 104, 106, 107, 114, and 203 as amended by 1982 PA 17, section 201 as amended by 1984 PA 190, and section 202 as amended by 1981 PA 191, and by adding section 114a.

Substitute (S-4).

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 459, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending the title and sections 104, 106, 107, 114, 201, 202, 203, and 204 (MCL 570.1104, 570.1106, 570.1107, 570.1114, 570.1201, 570.1202, 570.1203, and 570.1204), sections 104, 106, 107, 114, and 203 as amended by 1982 PA 17, section 201 as amended by 1984 PA 190, and section 202 as amended by 1981 PA 191, and by adding section 114a.

Substitute (S-5).

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

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

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

Senate Resolution No. 144

The resolution consent calendar was adopted.

Senator Brown offered the following resolution:

Senate Resolution No. 144.

A resolution commemorating June 7, 2006, as Michigan Trailways Day and June 2006 as Michigan Trailways Month.

Whereas, The Michigan Trailway system is a statewide system of land corridors passing through Michigan's communities and countryside, featuring broad, smooth-surfaced trails perfect for many activities and accessible to everyone; and

Whereas, Trailways follow inactive railroad lines, shorelines, and other corridors. Linking together whenever possible, the statewide network of trailways will connect our communities, parks, public lands, and natural resources; and

Whereas, This network has potential to encompass hundreds of miles of trailways, creating a web of activity that stretches from Lake Huron to Lake Michigan, from the south state line to the Mackinac Straits and across the Upper Peninsula; and

Whereas, Trailways are more than just pathways from place to place. They open the way to many modes of travel of which they take you through the entire range of Michigan environments, including forests, wetlands, river and lake shorelines, farmlands, shopping areas, residential areas, and industrial areas; and

Whereas, They offer an unlimited potential for year-round recreation. Often surrounded by attractive natural areas, trailways are great places for the people of our communities to bicycle, walk, run, hike, ski, ride horses, and snowmobile; and

Whereas, The thousands of hours donated by volunteers is an important element in the success of Michigan's trailways. These important individuals have given freely of their time to better our communities and ensure the preservation of Michigan's natural landscape for future generations; and

Whereas, As the trailway system expands and becomes well-known, Michigan's image as a leader in great outdoor recreation will grow along with it. Visitors drawn to our state by the system will benefit the entire state's tourism economy. It is appropriate to commemorate and designate June 7, 2006, as Michigan Trailways Day and June 2006 as Michigan Trailways Month; and

Whereas, It is clear that many generations will come to enjoy the trailways and make it part of their lives and the memories of their best times with family and friends; now, therefore, be it

Resolved by the Senate, That we commemorate June 7, 2006, as Michigan Trailways Day and June 2006 as Michigan Trailways Month. We encourage all citizens to support the efforts of these trailway resources in their communities; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Trails and Greenways Alliance as evidence of our esteem.

Senators Allen, Birkholz, Cassis, Cherry, Cropsey, Goschka, Jacobs, Olshove, Schauer and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Garcia introduced

Senate Bill No. 1287, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2004 PA 110.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

This is from my e-mail and it says, "Dear Senator Scott: I've been receiving your newsletters for some time now and I feel that you are a person that I would like to meet. I feel that you are sincere in your efforts to lift one and all. I have an issue to discuss regarding all insurances. I believe if you are submitting bills regarding insurance, an added priority

would be that they would be written not in legalese, but in layman's language. Surely, you must have had constituents complain that they did not know what they were buying or thought they were covered for, or even better, never understood the double talk of endorsements and exclusions. I sense that your constituents are of more value to you than the insurance lobbyist. If I am right, please respond your feelings to me regarding this issue and what you can and will do to improve the problems for all. This problem is equally as important and sensitive and costly to all Americans as is redlining. Sincerely yours."

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 640, entitled

A bill to permit the establishment and maintenance of individual or family development accounts; to provide for certain tax deductions; to prescribe the requirements of and restrictions on individual or family development accounts; and to provide penalties and remedies.

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.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Leland and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 641, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Leland and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 642, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Leland and Olshove

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 1269, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4404 (MCL 500.4404), as amended by 1995 PA 210.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Leland and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, May 25, 2006, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Stamas, Leland and Olshove

Excused: Senators Sanborn and Clark-Coleman

The Committee on Education reported

Senate Bill No. 95, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1997 PA 53.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4118, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4594, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4595, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4596, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
Meeting held on Thursday, May 25, 2006, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cassis and Van Woerkom
Excused: Senators Clark-Coleman and Leland

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Oversight of the 21st Century Jobs Funds (SCR 38) submitted the following:
Meeting held on Thursday, May 25, 2006, at 1:30 p.m., Room 519, South Tower, House Office Building
Present: Senators Garcia (C), Bishop and Switalski
Absent: Senator Gilbert

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 1, 8:30 a.m., Room 110, Farnum Building (373-1635)

Economic Development, Small Business and Regulatory Reform - Wednesday, May 31, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, June 1, 11:00 a.m. or later immediately following session, Room 210, Farnum Building (373-6920)

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)

Finance - Wednesday, May 31, 12:00 noon, Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, May 31, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

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

Michigan Capitol Committee - Wednesday, June 7, 12:00 noon, Rooms 402 and 403, Capitol Building (373-0289)

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

Technology and Energy - Wednesday, May 31, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:08 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, May 31, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate