

**No. 56**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Wednesday, June 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 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

Pastor Dallas Berry of First Baptist Church of Marysville offered the following invocation:

Our Father in Heaven, we come to You this morning on this day that You have created and given to us the privilege to breathe and have our being. Father, this morning as we come together here on the floor of this Senate, Lord, where the decisions are made, I realize that it is a privilege to have been asked to come and give this invocation and to stand before these men and women on behalf of our God and our Creator.

Yet, Lord, it is a great privilege that we each have that we can come before You and that we can bring our requests and our prayers and lay them at Your feet and know that You are a God who hears and answers prayer. So, God, we come to You this morning and I come to You on behalf of not only our Governor and our Lieutenant Governor, but these men and women who make up this Senate and our House of Representatives and those who have great responsibilities today, where decisions are made and where wisdom is needed. So, God, I pray that You will give divine wisdom.

I pray that You will give discernment in the decisions that have to be made. I pray that, God, Your hand will guide these men and these women not just today, but, Lord, daily and not just publicly in this political arena. God, I pray that Your hand will guide them even in their own individual personal lives where they are daily confronted as well with personal decisions, where they need wisdom and guidance and discernment. So, God, I pray not only for these men and women today here politically, but, Father, I pray for them privately for the needs that You know of because You are a God who is able to meet every single need.

So, Lord God, again, we just give You thanks for this day and for Your blessings that maybe at times we take for granted. We give You thanks for Your grace and mercy and to realize that these men and women are here today because of Your divine appointment. You have brought them together here to make decisions that represent this state. I pray, above all, that the decisions that they make not only represent the state, but will reflect and represent that which will honor and glorify You. God, I pray that You will give them grace and understanding and, again, give them discernment and wisdom.

Meet their needs. Protect them. Protect their families, and we will give You the thanks and the praise. In Jesus' name I pray. Amen.

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

### Motions and Communications

Senator Thomas entered the Senate Chamber.

Senator Schauer moved that Senator Barcia be temporarily excused from today's session.  
The motion prevailed.

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

Senator Hammerstrom moved that consideration of the following bill be postponed for today:  
**Senate Bill No. 246**  
The motion prevailed.

The following communication was received:  
Office of the State Budget

June 2, 2006

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2004-2005.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mary A. Lannoye  
State Budget Director

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Tuesday, June 6, and are available at the legislative website:

**Senate Bill No. 1289**  
**House Bill Nos. 6135 6136**

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

- House Bill No. 5142**
- House Bill No. 5153**
- Senate Bill No. 1185**
- House Bill No. 5548**
- House Bill No. 5786**
- House Bill No. 4118**
- House Bill No. 4594**
- House Bill No. 4595**
- House Bill No. 4596**
- House Bill No. 5602**
- House Bill No. 5396**
- House Bill No. 5125**
- Senate Bill No. 926**
- Senate Bill No. 420**
- House Bill No. 5014**
- House Bill No. 5015**
- House Bill No. 5962**

The motion prevailed.

Senators Johnson, Garcia and Barcia entered the Senate Chamber.

The following bill was announced:

**House Bill No. 5142, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

(This bill was read a third time on June 6, amendment adopted and consideration postponed. See Senate Journal No. 55, p. 1219.)

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. 463**

**Yeas—27**

Allen	Cropsey	Jelinek	Schauer
Barcia	Garcia	Kuipers	Sikkema
Basham	George	McManus	Stamas
Birkholz	Gilbert	Olshove	Switalski
Bishop	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Sanborn	

**Nays—10**

Brater	Emerson	Leland	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer
Clarke	Johnson		

**Excused—1**

Brown

**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 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.”.

The Senate agreed to the full title.

Senator Brown entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5153, entitled**

A bill to exempt an individual who uses deadly force or force other than deadly force from criminal prosecution under certain circumstances; to establish certain procedures; and to prescribe the duties of certain public officials.

The question being on the passage of the bill,

Senator Thomas offered the following amendments:

1. Amend page 1, line 2, after “the” by striking out the balance of the line through “Sweet” on line 3.
2. Amend page 2, line 2, after the first “the” by striking out “Dr. Ossian Sweet”.
3. Amend page 2, line 8, after “the” by striking out “Dr. Ossian Sweet”.

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. 464****Yeas—28**

Allen	Cherry	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kuipers	Sikkema
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Goschka	Patterson	Toy
Cassisi	Hammerstrom	Prusi	Van Woerkom

**Nays—10**

Brater	Emerson	Leland	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer
Clarke	Johnson		

**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 of the bill.

The following bill was read a third time:

**Senate Bill No. 1185, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2922c.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 1, line 1, after "**COURT**" by striking out "**SHALL**" and inserting "**MAY**".

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 465****Yeas—14**

Brater	Emerson	Prusi	Switalski
Cherry	Jacobs	Schauer	Thomas
Clark-Coleman	Leland	Scott	Whitmer
Clarke	Olshove		

**Nays—24**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Thomas offered the following amendment:

1. Amend page 1, line 6, after “**THE**” by striking out “**DR. OSSIAN SWEET**”.

The amendment was 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. 466****Yeas—28**

Allen	Cherry	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kuipers	Sikkema
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Goschka	Patterson	Toy
Cassisi	Hammerstrom	Prusi	Van Woerkom

**Nays—10**

Brater	Emerson	Leland	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer
Clarke	Johnson		

**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. 5548, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2922b.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 1, line 3, after “**THE**” by striking out “**DR. OSSIAN SWEET**”.

The amendment was 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. 467****Yeas—28**

Allen	Cherry	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Schauer

Basham	Garcia	Kuipers	Sikkema
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

**Nays—10**

Brater	Emerson	Leland	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer
Clarke	Johnson		

**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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

**Protest**

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5142, 5153, and 5548 and Senate Bill No. 1185.

Senator Scott’s statement is as follows:

All this talk about protecting oneself from an intruder or a possible threat or attack. What about protecting those who truly cannot protect themselves, our young children? It is becoming so commonplace for us to hear or to read about another senseless shooting of a child because of an adult who left a loaded gun within reach. Just last week in the *Lansing State Journal*, I read how a 3-year-old boy in Pontiac was left in critical condition after finding his father’s handgun and accidentally shooting himself in the head. Plus we have had so many of those in Detroit. It’s such a shame and I can’t understand for the life of me why I cannot get support for my bill, Senate Bill No. 24, that would prohibit and provide penalties for anyone storing or leaving a loaded firearm within reach or access of a minor.

Don’t get me wrong, we must protect ourselves and our families from harm or any wrongdoing, but let’s get serious about keeping our children safe. They need responsible adults in the Michigan Legislature to help protect them from irresponsible adults who care for them.

I am hopeful that I will get the support that I need to get a hearing on my legislation. There are young children out there who deserve nothing less.

The following bill was read a third time:

**House Bill No. 5786, entitled**

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

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. 468****Yeas—22**

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

**Nays—16**

Barcia	Clark-Coleman	Leland	Scott
Basham	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Schauer	Whitmer

**Excused—0****Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.  
The motion did not prevail, 2/3 of the members serving not voting therefor.  
The Senate agreed to the title of the bill.

The following bill was read a third time:

**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.

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

1. Amend page 1, line 1, after "**SEC. 1318.**" by striking out the balance of the bill and inserting "**(1) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, OR A PUBLIC SCHOOL OPERATED BY THE SCHOOL DISTRICT, IS NOT A MEMBER OF A STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION AND DOES NOT PARTICIPATE IN EVENTS OPERATED OR SPONSORED BY THE ASSOCIATION UNLESS THE ASSOCIATION HAS ADOPTED AND IMPLEMENTED WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION A POLICY, BYLAW, RULE, OR REGULATION THAT MEETS ALL OF THE FOLLOWING:**

**(A) REQUIRES RANDOM URINALYSIS TESTING OF STUDENT-ATHLETES WHO PARTICIPATE IN A STATEWIDE TOURNAMENT THAT IS OPERATED OR SPONSORED BY THE ASSOCIATION TO TEST FOR USE OF ANABOLIC STEROIDS.**

**(B) PROVIDES FOR PAYMENT FOR THE TESTING BY THE ASSOCIATION, FUNDED THROUGH IMPOSITION OF A \$1.00 SURCHARGE ON ADMISSION CHARGED FOR GAMES, MEETS, OR CONTESTS THAT ARE PART OF THE STATEWIDE TOURNAMENT.**

**(C) PROVIDES FOR TESTING OF A NUMBER OF STUDENT-ATHLETES EACH YEAR BASED ON THE FINANCIAL RESOURCES EXPECTED TO BE AVAILABLE THAT YEAR FROM THE SURCHARGE DESCRIBED IN SUBDIVISION (B).**



**(D) REQUIRES THE TESTING TO OCCUR WITHIN 24 HOURS AFTER A STUDENT-ATHLETE IS NOTIFIED THAT HE OR SHE HAS BEEN SELECTED FOR THE TESTING.**

**(E) PROVIDES THE FOLLOWING PENALTIES FOR A STUDENT-ATHLETE WHO IS DETERMINED TO HAVE ILLEGALLY USED ANABOLIC STEROIDS:**

**(i) FOR A FIRST OFFENSE, EITHER A SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 180 SCHOOL DAYS OR A SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 90 SCHOOL DAYS, AT LEAST 8 WEEKS OF SUBSTANCE ABUSE COUNSELING DURING THIS PERIOD, AND WEEKLY URINALYSIS TESTING DURING THIS PERIOD.**

**(ii) FOR A SECOND OFFENSE, EITHER A SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 360 SCHOOL DAYS OR A SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 180 SCHOOL DAYS, AT LEAST 16 WEEKS OF SUBSTANCE ABUSE COUNSELING DURING THIS PERIOD, AND WEEKLY URINALYSIS TESTING DURING THIS PERIOD.**

**(iii) FOR A THIRD OFFENSE, PERMANENT INELIGIBILITY FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS.**

**(F) PROVIDES THAT THE STUDENT-ATHLETE OR HIS OR HER PARENT OR LEGAL GUARDIAN IS RESPONSIBLE FOR THE PAYING OF ANY COSTS FOR THE COUNSELING AND TESTING.**

**(2) IF A PUBLIC SCHOOL OR A SCHOOL DISTRICT IS A MEMBER OF A STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION THAT HAS A POLICY, BYLAW, RULE, OR REGULATION DESCRIBED IN SUBSECTION (1), THE BOARD OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL REQUIRE A PUPIL AND HIS OR HER PARENT OR LEGAL GUARDIAN TO EXECUTE A FORM CONSENTING TO THE TESTING AND PENALTIES DESCRIBED IN SUBSECTION (1) BEFORE ALLOWING THE PUPIL TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS.**

**(3) THIS SECTION DOES NOT AFFECT THE ABILITY OF A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION, OR LOCAL OR REGIONAL INTERSCHOLASTIC ATHLETIC LEAGUE OR CONFERENCE TO ESTABLISH AND ENFORCE A POLICY, BYLAW, RULE, OR REGULATION PROHIBITING USE OF ANABOLIC STEROIDS OR OTHER SUBSTANCES OR REQUIRING TESTING FOR ANABOLIC STEROIDS OR OTHER SUBSTANCES IF THAT POLICY, BYLAW, RULE, OR REGULATION IS NOT INCONSISTENT WITH THE POLICY REQUIRED UNDER THIS SECTION.**

**(4) AS USED IN THIS SECTION, "ANABOLIC STEROIDS" MEANS THAT TERM AS DEFINED IN R 338.3122 OF THE MICHIGAN ADMINISTRATIVE CODE."**

The amendment was not adopted, a majority of the members serving not 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. 469**

**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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

**Nays—1**

Thomas

**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.

### **Protest**

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4118.

Senator Thomas' statement is as follows:

I did vote “no” on the legislation not because I support steroids, but because I don't think that this legislation will actually end the perceived problem that we have with steroids in Michigan schools. I don't know that this is a pervasive problem in high school athletics in Michigan. I think if it were a pervasive problem, we would have made it a very broad-based legislative initiative similar to that sponsored by Senator Switalski. It would have applied to all student athletes, not just some student athletes.

As a result, I really believe it to be legislation in search of a problem without a true impact on the perceived problem. So for those reasons, I did vote “no” on the legislation.

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

The motion prevailed.

Senator Switalski's statement is as follows:

I want to begin by saying I support the package of steroid bills in front of us today. These bills represent a modest beginning.

I rise to offer this amendment because there is so much more that we should be doing. I call on the Senate to be brave, to be bold in the defense of our children and our commitment to integrity. Those of us who enjoy fair athletic competition got a wake-up call recently with the growing steroid scandal in Major League Baseball. It should be clear to all that this scandal destroys the integrity of athletic competition, invalidates the achievements of individuals, and breaks faith with our ancestors by cheapening the statistical records that are the soul of the game.

Steroids rob the health of the athletes who use them and corrupt the youth of our nation by teaching them that cheating is okay, that illegal drugs are good, and that winning trumps fair play. And, finally, although the authority talks the talk about steroids, they do not have the guts to enforce the rules because they are afraid to rock the boat. The only way to guarantee fair competition and to protect those athletes who obey the rules from those who cheat and use steroids is to provide for random testing.

If you think high school steroid use is not a significant problem, then you have your head in the sand. A Center for Disease Control report, based on a sample of 15,000 high school students, indicates 6 percent or 900 students who use steroids—900—that is a truly shocking number.

I am disappointed with the Michigan High School Athletic Association, which is charged with the responsibility to maintain fair and honest competition sports and stands as the guardian of our children against overzealous coaches and parents. Why have they not created their own testing program to expel the curse of steroids from the sports they regulate? I suppose we should not be surprised the association is as timid as the Major League Baseball commissioner and the baseball owners who looked the other way for a decade while their sport was horribly corrupted. It took congressional hearings, grand jury indictments, and threats of government intervention to force them to belatedly clean their own house.

My friends, that is the choice we face today. We have grossly failed our own children if we ignore the abuse of steroids. My amendment establishes random testing for athletes who compete in state tournaments. We pay for this testing by creating a \$1 surcharge on admission to state tournament games. If we are not willing to fund random testing to police athletics, we are shouting to our children that \$1 is more important than integrity, fairness, and their own health. We are shouting to them that \$1 is more important than good character. We are shouting to them that they are saps for being honest; that those who cheat will beat them and get glory, scholarships, wealth, and fame. We are telling them that if they want to succeed, they should use steroids too.

Our kids deserve better than that from us. I cannot believe that this Senate, that this state, and that this country would endorse such a perversion of our fundamental values. Please support my amendment.

The following bill was read a third time:

**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.

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. 470**

**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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities;

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

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 471**

**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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations

and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 472**

**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.

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5602, entitled**

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

The 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. 473**

**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.

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5396, entitled**

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 2, line 5, after “than” by striking out the balance of the subsection and inserting “**\$100.00 FOR A FIRST VIOLATION COMMITTED IN A CALENDAR YEAR, NOT MORE THAN \$250.00 FOR A SECOND VIOLATION COMMITTED IN A CALENDAR YEAR, OR NOT MORE THAN \$500.00 FOR A THIRD OR SUBSEQUENT VIOLATION COMMITTED IN A CALENDAR YEAR.**”.

The question being on the adoption of the amendment,

Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5125, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58; 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. 474**

**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.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the

powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 926, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 74 (MCL 125.2074), as amended by 1987 PA 278.

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. 475**

**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 Senate agreed to the title of the bill.

Senator Brater moved that she be named co-sponsor of the bill.

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 420, 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 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. 476**

**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 Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I rise to ask your support for Senate Bill No. 420. Quite simply, this measure amends the grandparent visitation statute to correct a drafting error. In January 2005, the grandparent visitation bill was signed into law after having been unanimously passed by the Michigan House of Representatives and Senate. The law created new rights for grandparents following a Michigan Supreme Court decision which held Michigan's old law to be unconstitutional. The Michigan Supreme Court asked the Michigan Legislature to redraft the Michigan law in order to make the law constitutional to provide for grandparents and grandchildren to have access to see each other under certain circumstances.

The grandparents visitation statute signed into law last year inadvertently expanded grandparent visitation in stepparent adoption cases. Current law terminates the right of a grandparent to file an action for grandparenting time when a child is adopted or is placed for adoption.

Now, adoption by a stepparent, however, does not terminate the right of a grandparent to bring an action for grandparenting time. The bill before the committee limits grandparenting time actions in stepparent adoption situations to grandparents whose own child is deceased.

Last year's statute allowed all grandparents some standing. This bill would return the law to its prior state. This bipartisan measure was unanimously supported in committee. I ask that we do the same thing on the Senate floor.

The following bill was read a third time:

**House Bill No. 5014, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5927 (MCL 333.5927), as added by 1987 PA 258.

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. 477**

**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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5015, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 5901, 5911, 5913, 5915, 5919, and 5923 (MCL 333.5901, 333.5911, 333.5913, 333.5915, 333.5919, and 333.5923), as added by 1987 PA 258, and by adding section 5906; 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. 478**

**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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5962, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 406 (MCL 550.1406).

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. 479**

**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.

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

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 Brater as Chairperson.

After some time spent therein, the Committee arose; and, the Associate President pro tempore, Senator Barcia, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 6070, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35e; and to repeal acts and parts of acts.

**House Bill No. 4366, entitled**

A bill to repeal 1897 PA 160, entitled “An act to establish a lien upon horses and other animals for the cost of shoeing the same,” (MCL 570.351 to 570.363).

**House Bill No. 5347, entitled**

A bill to amend 2000 PA 316, entitled “Michigan organic products act,” by amending section 21 (MCL 286.921).

**House Bill No. 5346, entitled**

A bill to amend 1976 PA 412, entitled “An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts,” by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

**House Bill No. 5160, entitled**

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

**House Bill No. 5036, entitled**

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 287.900).

The bills were placed on the order of Third Reading of Bills.

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

**Senate Bill No. 631, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3 and 39 (MCL 338.2203 and 338.2239), section 3 as amended by 1993 PA 139 and section 39 as amended by 2003 PA 87.

Substitute (S-3).

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. 632, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2402, 2404, 2405, and 2411 (MCL 339.601, 339.602, 339.605, 339.2402, 339.2404, 339.2405, and 339.2411), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, section 2404 as amended by 1988 PA 463, and section 2411 as amended by 2001 PA 113, and by adding sections 2404a and 2411a.

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. 826, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 605, 2404, 2405, 2411, and 2412 (MCL 339.601, 339.602, 339.605, 339.2404, 339.2405, 339.2411, and 339.2412), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, section 2404 as amended by 1988 PA 463, and sections 2411 and 2412 as amended by 2001 PA 113, and by adding section 606.

Substitute (S-3).

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. 827, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142, and by adding section 2975.

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 a substitute therefor, the following bill:

**Senate Bill No. 1273, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 2408.

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 a substitute therefor, the following bill:  
**Senate Bill No. 1159, entitled**

A bill to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote water resource improvement; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

Substitute (S-3).

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

1. Amend page 6, line 13, after "324.3101." by inserting "For purposes of this act, water resources improvement does not include chemical treatment of waters for aquatic nuisance control."

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

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

**Senate Bill No. 1279, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending sections 106, 133, 141, 143, 151, 404, 405, 407, 413, 441, 446, 451, 521, 525, 1103, and 1144 (MCL 450.2106, 450.2133, 450.2141, 450.2143, 450.2151, 450.2404, 450.2405, 450.2407, 450.2413, 450.2441, 450.2446, 450.2451, 450.2521, 450.2525, 450.3103, and 450.3144), sections 1103 and 1144 as added by 1984 PA 209, and by adding section 406a.

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

1. Amend page 8, line 4, after "if" by striking out the balance of the line through "consent" on line 5 and inserting "**CONSENTS**".

2. Amend page 8, line 5, after "taken," by striking out "is" and inserting "**ARE**".

3. Amend page 10, line 1, after "any" by striking out the balance of the line through "**THAT**" on line 2 and inserting "**ADJOURNED SHAREHOLDERS' OR MEMBERS**".

4. Amend page 10, line 18, after "with," by striking out "on demand of" and inserting "**AND**".

5. Amend page 10, line 18, after "member" by inserting "**PRESENT**".

6. Amend page 10, line 18, after "proxy" by striking out the comma through "who" on line 19.

7. Amend page 10, line 23, after "a" by striking out "demand" and inserting "**CHALLENGE**".

8. Amend page 13, line 6, by striking out "**THAT MUST OR MAY**" and inserting "required or permitted to".

The Senate agreed to the amendments 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. 435, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending sections 3, 3a, 5, 5b, 5c, 8, 10, 10a, and 11b (MCL 432.103, 432.103a, 432.105, 432.105b, 432.105c, 432.108, 432.110, 432.110a, and 432.111b), section 3 as amended by 1995 PA 275, sections 3a, 5b, 5c, and 11b as added and sections 5, 10, and 10a as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

Substitute (S-2).

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

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

**Senate Bill No. 50, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5562, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 541 (MCL 436.1541).

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 a substitute therefor, the following bill:  
**Senate Bill No. 1016, entitled**

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

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 a substitute therefor, the following bill:  
**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.

Substitute (S-3).

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. 147**

The resolution consent calendar was adopted.

Senators Brater, Cherry, Thomas, Barcia, Jacobs and Clark-Coleman offered the following resolution:

**Senate Resolution No. 147.**

A resolution observing September 18-24, 2006, as Pollution Prevention Week.

Whereas, Pollution prevention is a priority in achieving environmental quality in the state of Michigan; and

Whereas, The people of Michigan are proud of our state's beauty, natural resources, and environment; and

Whereas, The presence of pollutants continue to pose a threat to our environment, public health, and safety; and

Whereas, Pollution prevention is a fundamental strategy to protect the environment and maintain the health and safety of workers in the workplace by stopping pollution before it occurs; and

Whereas, Pollution prevention can increase industrial efficiency, competitiveness, and help Michigan develop both a "bio-economy" and green businesses with clean and pollution-free technology that can save businesses money; and

Whereas, Pollution prevention helps Michigan meet the challenges of having both a sustainable environment and healthy economy for its citizens and businesses; and

Whereas, The Senate supports pollution prevention as a means to promote environmental stewardship which improves our communities and protects our natural resources for future generations; and

Whereas, Pollution Prevention Week is an opportunity for the people of Michigan to join together for a clean and vibrant Michigan by taking action to reduce waste at its source, or where this is not feasible, identify opportunities to reuse and recycle; now, therefore, be it

Resolved by the Senate, That we hereby observe September 18-24, 2006, as Pollution Prevention Week in Michigan, and we commend all businesses and community members who participate in local and regional celebratory and educational activities; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality to be posted on its website for Michigan residents to see and as evidence of our support.

Senators Basham, Birkholz, Clarke, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senators Johnson and Prusi offered the following concurrent resolution:

**Senate Concurrent Resolution No. 49.**

A concurrent resolution approving a lease among the State of Michigan, the State Building Authority, and the Community College District of Gogebic County relative to the Community College District of Gogebic County Special Maintenance projects.

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease among the State of Michigan (the "State"), the State Building Authority (the "Authority"), and the Community College District of Gogebic County (the "Educational Institution") that is only for capital maintenance improvements (the "Facility") is executed, the general form of the lease shall be approved by the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing capital maintenance improvements to be used by the State and the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Community College District of Gogebic County Special Maintenance projects shall not exceed \$1,000,000 (the Authority share is \$999,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$999,990, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$78,000 and \$98,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of the Community College District of Gogebic County, and the State Budget Director.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Clarke, Jacobs, Switalski and Toy were named co-sponsors of the concurrent resolution.



Senators Allen and Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 50.**

A concurrent resolution approving a lease among the State of Michigan, the State Building Authority, and Lake Superior State University relative to the Lake Superior State University Special Maintenance projects.

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease among the State of Michigan (the "State"), the State Building Authority (the "Authority"), and Lake Superior State University (the "Educational Institution") that is only for capital maintenance improvements (the "Facility") is executed, the general form of the lease shall be approved by the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing capital maintenance improvements to be used by the State and the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Lake Superior State University Special Maintenance projects shall not exceed \$163,100 (the Authority share is \$163,000, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$163,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$13,000 and \$16,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Lake Superior State University, and the State Budget Director.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Clarke, Jacobs, Prusi, Switalski and Toy were named co-sponsors of the concurrent resolution.

### **Introduction and Referral of Bills**

Senator Gilbert introduced

**Senate Bill No. 1290, entitled**

A bill to provide for the certification of driver education providers; to prescribe certain record-keeping and program requirements for driver education providers; to provide for the certification of driver education instructors; to prescribe the powers and duties of certain persons and departments; to prescribe certain fees; to establish a fund in the state treasury; to prescribe remedies, sanctions, and penalties; and to repeal acts, administrative rules, and parts of acts.

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

Senators Jacobs, Switalski, Whitmer, Cherry, Prusi, Brater, Olshove and Emerson introduced

**Senate Bill No. 1291, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding sections 381, 382, 383, 384, and 385.

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

Senators Johnson, Hammerstrom, Toy, McManus, Birkholz, George, Emerson, Stamas, Garcia, Cropsey, Brown, Hardiman, Jelinek, Patterson, Gilbert, Van Woerkom, Goschka, Kuipers, Cherry, Allen, Bishop, Barcia, Sikkema, Prusi, Jacobs and Whitmer introduced

**Senate Bill No. 1292, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 3, 7, 10, 11, 14, 15, and 17 of chapter XII (MCL 712.1, 712.3, 712.7, 712.10, 712.11, 712.14, 712.15, and 712.17), sections 1, 7, 10, 11, 14, 15, and 17 as added by 2000 PA 232 and section 3 as amended by 2002 PA 688, and by adding section 2a to chapter XII; and to repeal acts and parts of acts.

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

Senator Thomas introduced

**Senate Bill No. 1293, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36f.

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

Senators Thomas and Basham introduced

**Senate Bill No. 1294, entitled**

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending section 20 (MCL 124.770).

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

Senator Thomas introduced

**Senate Bill No. 1295, entitled**

A bill to amend 1975 PA 148, entitled "Debt management act," by amending sections 2, 4, 5, 6, 8, 12, 13, 14, 16, 18, and 19 (MCL 451.412, 451.414, 451.415, 451.416, 451.418, 451.422, 451.423, 451.424, 451.426, 451.428, and 451.429), as amended by 2000 PA 255.

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

Senators Thomas, Kuipers, Sikkema, Switalski, Clark-Coleman, Emerson and Leland introduced

**Senate Bill No. 1296, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1146 (MCL 380.1146).

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

Senators Allen, Bishop, Patterson, Goschka, Kuipers, Barcia, Garcia, Olshove and Toy introduced

**Senate Bill No. 1297, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 506 (MCL 206.506), as amended by 1996 PA 484.

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

### 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 "Insurance Companies Manufacture Risks And Reap Reward," an article by Jamie Sonneburger:

"Give insurance companies credit. Only you better make sure it is good credit or they will charge you through the roof.

Using credit scores to determine insurance rates is just plain wrong. But then again, so are many insurance company policies. Let's look at a few real-life examples. You are 50 years old. You have perfect credit and you have never had a ticket or an accident. You work in the Ren-Cen and decide to move to the city so you can walk to work. You sell your car. A year later you move back to the suburbs. You buy another car and try to get it insured. Your premium is astronomical. Why? Because you haven't had auto insurance in over a year. You tell the agent you don't own a car. No matter. You're a risk. And you will pay the price for walking to work.

What if your identity is stolen. That crime is becoming all too common. It takes years, if at all, to get that mess straightened out. Need insurance? I hope your identity thief paid his bills. If not you're going to pay through the nose for insurance.

Say you're 50 again. Same perfect credit and driving history. You lose your job and your health insurance (I'll save the national health insurance argument for another time). Then you find out that you have cancer. Your medical bills are unbelievable. This forces you into bankruptcy. Luckily, you get better, but your credit suffers. Sadly, you can beat cancer but you can't beat the insurance company. Even though you have 30+ years of proof that you're not a 'risk.'

These are not far-fetched examples. They happen every day. Conservatives will tell me that I can 'choose' not to drive. I would tell them I would rather choose to be treated fairly. Of course when you deal with big business (with even bigger lobby clout) you really don't have a choice, do you?"

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 1125, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2, 3, and 5 (MCL 445.902, 445.903, and 445.905), section 2 as amended by 1984 PA 91 and section 3 as amended by 2004 PA 462.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer, Whitmer and Brater

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 6, 2006, at 1:05 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Schauer, Whitmer and Brater

Excused: Senator Patterson

The Committee on Transportation reported

**Senate Bill No. 1127, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

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.

Judson S. Gilbert II  
Chairperson

## To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

**Senate Bill No. 1267, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 25b (MCL 257.25b), as added by 2000 PA 82.

With the recommendation that the bill pass.

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

Judson S. Gilbert II  
Chairperson

## To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**House Bill No. 5959, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3 and 4 (MCL 207.1003 and 207.1004), as amended by 2002 PA 668.

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.

Judson S. Gilbert II  
Chairperson

## To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, June 6, 2006, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

The Committee on Judiciary reported

**House Bill No. 5217, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

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.

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer and Whitmer

Nays: Senator Brater

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

**Scheduled Meetings**

**Administrative Rules** - Thursday, June 8, 8:00 a.m., Room 405, Capitol Building (373-6476)

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

**Appropriations -**

**Subcommittees -**

**Capital Outlay** - Thursday, June 8, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**State Police and Military Affairs** - Thursday, June 8, 8:30 a.m., Room 100, Farnum Building (373-5932)

**Banking and Financial Institutions** - Thursday, June 8, 12:00 noon, Room 100, Farnum Building (373-2417)

**Education** - Thursday, June 8, 2:00 p.m., Room 210, Farnum Building (373-6920)

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

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:03 p.m.

The Associate President pro tempore, Senator Barcia, declared the Senate adjourned until Thursday, June 8, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

