

No. 62
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, June 21, 2006.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

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

Senator Ron Jelinek of the 21st District offered the following invocation:

Lord, according to the calendar, today is the first day of summer. It is the beginning of a new season, a season we all enjoy with sun and fun.

May that bright sun shine a light on the work we do today. May our work be bright, warm, and good just like summer. May our summer work still shine and keep us warm next January and all the cold months. In other words, may we do wise and lasting work that is good for all citizens of Michigan.

Speaking of citizens, Lord, may they all see their Senators soon this summer as agreements are met and the Senate adjourns. May summer come soon for us also, Lord.

Thank You for the season. Thank You for the opportunities and freedoms, and thank You for the freedom to pray this prayer today—each in our own way—according to our personal beliefs and reliance on You, Lord. Amen.

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

Motions and Communications

Senators Johnson and Garcia entered the Senate Chamber.

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

Senator Schauer moved that Senator Emerson be 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.

Senator Hammerstrom moved that Senators Goschka, Brown and Stamas be temporarily excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 20:
House Bill Nos. 5193 5194 6089 6090 6135 6213

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 20, for her approval the following bills:

Enrolled Senate Bill No. 582 at 4:02 p.m.

Enrolled Senate Bill No. 816 at 4:04 p.m.

Enrolled Senate Bill No. 817 at 4:06 p.m.

Enrolled Senate Bill No. 1172 at 4:08 p.m.

The Secretary announced that the following official bills were printed on Tuesday, June 20, and are available at the legislative website:

House Bill Nos. 6219 6220

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

Senate Bill No. 875

Senate Bill No. 693

The motion prevailed.

Senators Stamas, Brown, Thomas and Goschka entered the Senate Chamber.

Senate Bill No. 538, entitled

A bill to amend 1994 PA 451, entitled "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," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502, 43505, 43506, 43517, 43520, and 43525 (MCL 324.43502, 324.43505, 324.43506, 324.43517, 324.43520, and 324.43525), sections 43502, 43505, 43506, and 43525 as amended by 1996 PA 585 and sections 43517 and 43520 as added by 1995 PA 57.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

By unanimous consent the Senate proceeded to the order of

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 Thomas as Chairperson.

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

Senate Bill No. 1284, entitled

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

House Bill No. 5056, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 4 (MCL 125.1654), as amended by 2005 PA 115.

The 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. 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.

Substitute (S-1).

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

1. Amend page 17, line 24, after "person" by inserting "currently".
2. Amend page 17, line 25, after "who" by striking out "has been" and inserting "is currently".
3. Amend page 18, line 3, after "may" by inserting "continue to".
4. Amend page 22, line 25, after "person" by inserting "currently".
5. Amend page 22, line 26, after "who" by striking out "has been" and inserting "is currently".
6. Amend page 23, line 3, after "may" by inserting "continue to".
7. Amend page 46, line 25, by striking out all of subsection (3) and inserting:

"(3) If a criminal arrest fingerprint is submitted to the department of state police and matches a fingerprint submitted under section 29 and stored in its automated fingerprint identification system database, the department of state police shall notify the department."

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

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

House Bill No. 5060, entitled

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 3 (MCL 213.23).

Substitute (S-1).

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

1. Amend page 3, line 19, after "**LAW.**" by inserting "**IN ORDER TO BE ELIGIBLE FOR REIMBURSEMENT UNDER THIS SUBSECTION, THE INDIVIDUAL'S PRINCIPAL RESIDENTIAL STRUCTURE MUST BE ACTUALLY TAKEN OR THE AMOUNT OF THE INDIVIDUAL'S PRIVATE PROPERTY TAKEN LEAVES LESS PROPERTY CONTIGUOUS TO THE INDIVIDUAL'S PRINCIPAL RESIDENTIAL STRUCTURE THAN THE MINIMUM LOT SIZE IF THE LOCAL GOVERNING UNIT HAS IMPLEMENTED A MINIMUM LOT SIZE BY ZONING ORDINANCE.**".
2. Amend page 3, line 23, after "**ENTITY.**" by inserting "**FOR PURPOSES OF THIS SUBSECTION, THE TAKING OF PRIVATE PROPERTY FOR THE PURPOSES OF A DRAIN PROJECT BY A DRAINAGE DISTRICT AS ALLOWED UNDER THE DRAIN CODE OF 1956, 1956 PA 40, MCL 280.1 TO 280.630, DOES NOT CONSTITUTE A PRETEXT TO CONFER A PRIVATE BENEFIT ON A PRIVATE ENTITY.**".

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:

House Bill No. 5817, entitled

A bill to amend 1965 PA 40, entitled "An act to authorize and require public agencies to pay allowances for the expense of moving personal property from real property acquired for public purposes," by amending section 2 (MCL 213.352), as amended by 1991 PA 21.

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

1. Amend page 2, line 1, after "~~">\$1,000.00~~" by striking out " ~~"\$5,200.00~~" and inserting "**\$5,250.00**".
2. Amend page 2, line 9, after "(C)" by striking out the balance of the subdivision and inserting "**INSTEAD OF ANY OTHER PAYMENT UNDER THIS ACT, OTHER STATE LAW, OR FEDERAL LAW, AN OCCUPANT OF RESIDENTIAL PROPERTY WHO HAS A LEASEHOLD INTEREST OF LESS THAN 6 MONTHS IS ENTITLED TO ELECT A FIXED PAYMENT OF \$3,500.00. IF THE OCCUPANT DOES NOT ELECT THIS FIXED PAYMENT, THE OCCUPANT MAY RECEIVE A MOVING ALLOWANCE AS DETERMINED UNDER SUBDIVISIONS (A) AND (B).**".
3. Amend page 2, line 18, after "**SUBSECTION**" by striking out "(2)(C)" and inserting "(1)(C)".
4. Amend page 2, line 19, after "**RECOVER**" by striking out " ~~\$5,200.00~~" and inserting "**A FIXED PAYMENT OR A**".
5. Amend page 2, line 20, by striking out all of line 20 and inserting "**UNDER SUBSECTION (1).**".
6. Amend page 2, line 25, by striking out "**CONTRADICTORY**" and inserting "**CONFLICTING**".

7. Amend page 2, following line 25, by inserting:

“Enacting section 1. This amendatory act takes effect December 23, 2006.” and renumbering the remaining enacting section.

8. Amend page 3, line 4, by striking out all of line 4 through the balance of the enacting section.

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 amendments, the following bill:

House Bill No. 5818, entitled

A bill to amend 1980 PA 87, entitled “The uniform condemnation procedures act,” by amending section 16 (MCL 213.66), as amended by 1996 PA 474.

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

1. Amend page 3, line 11, after “A” by striking out “HIGHWAY” and inserting “GOVERNMENT-OWNED TRANSPORTATION PROJECT”.

2. Amend page 3, following line 19, by inserting:

“Enacting section 1. This amendatory act takes effect December 23, 2006.” and renumbering the remaining enacting section.

3. Amend page 3, line 25, by striking out all of line 25 through the balance of the enacting section.

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 amendments, the following bill:

House Bill No. 5819, entitled

A bill to amend 1980 PA 87, entitled “The uniform condemnation procedures act,” by amending section 9 (MCL 213.59), as amended by 1996 PA 474.

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

1. Amend page 2, line 10, after “OPPORTUNITY” by striking out the balance of the line through “213.355.” on line 13 and inserting a comma and “NOT TO EXCEED 180 DAYS AFTER THE PAYMENT DATE OF MOVING EXPENSES OR THE MOVING ALLOWANCE PROVIDED UNDER 1965 PA 40, MCL 213.351 TO 213.355, TO RELOCATE TO A COMPARABLE REPLACEMENT DWELLING.”.

2. Amend page 2, line 11, after “DWELLING” by striking out the balance of the line through “PAID,” on line 12.

3. Amend page 2, line 17, after “ANY” by striking out “CONTRADICTORY” and inserting “CONFLICTING”.

4. Amend page 3, following line 18, by inserting:

“(6) AS USED IN THIS SECTION, “COMPARABLE REPLACEMENT DWELLING” MEANS ANY DWELLING THAT IS ALL OF THE FOLLOWING:

(A) DECENT, SAFE, AND SANITARY.

(B) ADEQUATE IN SIZE TO ACCOMMODATE THE OCCUPANTS.

(C) WITHIN THE FINANCIAL MEANS OF THE INDIVIDUAL.

(D) FUNCTIONALLY EQUIVALENT.

(E) IN AN AREA NOT SUBJECT TO UNREASONABLE ADVERSE ENVIRONMENTAL CONDITIONS.

(F) IN A LOCATION GENERALLY NOT LESS DESIRABLE THAN THE LOCATION OF THE INDIVIDUAL’S DWELLING WITH RESPECT TO PUBLIC UTILITIES, FACILITIES, SERVICES, AND THE INDIVIDUAL’S PLACE OF EMPLOYMENT.

Enacting section 1. This amendatory act takes effect December 23, 2006.” and renumbering the remaining enacting section.

5. Amend page 3, line 24, by striking out all of line 24 through the balance of the enacting section.

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. 65, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7jj. Substitute (S-1).

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

1. Amend page 2, line 5, after “YEARS” by inserting a comma and “UNTIL THE ELIGIBLE NONPROFIT HOUSING PROPERTY IS OCCUPIED BY A LOW-INCOME PERSON UNDER A LEASE AGREEMENT,”.

2. Amend page 2, line 25, after “**THAN**” by striking out “**60%**” and inserting “**80%**”.

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. 1305, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” (MCL 37.2101 to 37.2804) by adding section 404a.

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

1. Amend page 1, line 4, after the first “**A**” by inserting “**SINGLE-GENDER**”.

2. Amend page 1, line 4, after the second “**SCHOOL**” by striking out the balance of the subsection and inserting “**AS PROVIDED UNDER SECTION 1146 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1146.**”.

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:

House Bill No. 6069, entitled

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

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.

During the Committee of the Whole, Senators Barcia and Brater entered the Senate Chamber.

By unanimous consent the Senate returned 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. 6035

House Bill No. 5479

House Bill No. 6084

The motion prevailed.

The following bill was read a third time:

House Bill No. 6035, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2006 PA 117.

The question being on the passage of the bill,

Senator Allen offered the following substitute:

Substitute (S-2).

The substitute 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. 527

Yeas—36

Allen	Clark-Coleman	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas

Brown
Cassis
Cherry

Hammerstrom
Hardiman
Jacobs

Patterson
Prusi
Sanborn

Toy
Van Woerkom
Whitmer

Nays—0

Excused—1

Emerson

Not Voting—1

Clarke

In The Chair: President

Senator Schauer moved that Senator Clarke be temporarily excused from the balance of today's session. The motion prevailed.

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.

Senator Allen offered to amend the title to read as follows:

A bill to amend 1995 PA 24, entitled "An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers," by amending section 3 (MCL 207.803), as amended by 2006 PA 188.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Clarke entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5479, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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. 528

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown

Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy

Cassis
Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Sanborn

Van Woerkom
Whitmer

Nays—0

Excused—1

Emerson

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.

The following bill was read a third time:

House Bill No. 6084, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 248f, 302, 302a, 303, 306, 307, 307a, 312e, 312f, 314, 319b, 319f, 319g, 324, 732, 801c, 811k, and 907 (MCL 257.248f, 257.302, 257.302a, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.314, 257.319b, 257.319f, 257.319g, 257.324, 257.732, 257.801c, 257.811k, and 257.907), section 248f as added by 1993 PA 300, section 302 as amended by 1991 PA 100, section 302a as added by 1990 PA 181, sections 303 and 307 as amended by 2005 PA 142, sections 306, 312f, and 314 as amended by 2004 PA 362, section 307a as added by 1988 PA 346, section 312e as amended by 2006 PA 212, sections 319b, 319g, and 732 as amended by 2004 PA 495, section 319f as added by 1996 PA 404, section 324 as amended by 2001 PA 159, section 801c as amended by 1980 PA 281, section 811k as added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and by adding section 303a.

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. 529

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown

Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy

Cassis
Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Sanborn

Van Woerkom
Whitmer

Nays—0

Excused—1

Emerson

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.

Senator Gilbert offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 248f, 302, 302a, 303, 306, 307, 307a, 312e, 312f, 314, 319b, 319f, 319g, 324, 732, 741, 743, 746, 801c, 811k, and 907 (MCL 257.248f, 257.302, 257.302a, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.314, 257.319b, 257.319f, 257.319g, 257.324, 257.732, 257.741, 257.743, 257.746, 257.801c, 257.811k, and 257.907), section 248f as added by 1993 PA 300, section 302 as amended by 1991 PA 100, section 302a as added by 1990 PA 181, sections 303 and 307 as amended by 2005 PA 142, sections 306, 312f, and 314 as amended by 2004 PA 362, section 307a as added and section 743 as amended by 1988 PA 346, section 312e as amended by 2006 PA 212, sections 319b, 319g, and 732 as amended by 2004 PA 495, section 319f as added by 1996 PA 404, section 324 as amended by 2001 PA 159, section 746 as amended by 1980 PA 426, section 801c as amended by 1980 PA 281, section 811k as added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and by adding section 303a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

Senate Concurrent Resolution No. 52.

A concurrent resolution to increase the total project cost of the Information Technology Center and Center for Health Professions Renovation project at Jackson Community College.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Cassis, Basham, Scott, Goschka, Cropsey and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

I rise today to honor the memory of a man who went overseas to protect our freedoms and tragically died while in service to his country. United States Army Corporal Alexander Kolasa of White Lake Township was a hero and a friend to many. Alexander died on May 31 at the tender age of 22, while on guard duty in Baghdad. Corporal Kolasa was a member of the 704th Main Support Battalion, 4th Brigade, 4th Infantry Division. He was stationed in Fort Hood, Texas, before being deployed in December.

Alexander is remembered as someone who always enjoyed tinkering with cars, tearing them apart in his front yard. So it wasn't surprising that he joined the Army to learn to be a mechanic. But there was perhaps a much more important reason Alexander decided to join the service. He was very, very upset by the events of 9-11 and he was determined to go to Iraq to make a difference.

Corporal Kolasa certainly did make a difference in the lives of those he touched. He had such a tender side. He was moved to tears by the plight of a 10-year-old Iraqi girl. He also had a playful side, a bold side, once smuggling a puppy in his kit bag past his superiors and onto a Black Hawk helicopter.

And, you know, Alexander always had concern for others. As a Boy Scout, he jumped into a pond to help a friend who had fallen in. His mother recalls that he was always, always leading the pack. He made several visits to Lakeland High School where he graduated and talked to students about the service.

Alexander's mother and father say that any parent—I think we can all identify with this— whose son or daughter is stationed in an area of conflict will worry and worry deeply about their child. But they know that Alexander believed in the important work he was doing in Iraq.

Corporal Kolasa is survived by his mom and dad, Kathy and David Kolasa; his brother Tony; his sister Jennifer; and his dear wife, Cari McClellan, with whom he would have celebrated his first wedding anniversary last week.

We are greatly honored and appreciative that the corporal's wife Cari, his mother, his father, sister, and Cari's mother, sister, and her sister's husband have joined us today in the east Gallery. Please know of our heartfelt and deepest condolences.

Now with remembrance of and in honor of Corporal Alexander Kolasa and his service to our country, I ask you, my Senate colleagues, staff, and guests, to join me at this time to observe a moment of silence.

A moment of silence was observed in memory of United States Army Corporal Alexander Kolasa.

Senator Basham's statement is as follows:

Tomorrow, fellow colleagues, I will have a resolution on the calendar that memorializes Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year of 2015.

As you may be aware, more than 1.4 million Americans are diagnosed with cancer each year, and 1 out of every 2 men and 1 of every 3 women will be diagnosed in their lifetime.

In 1971, Congress began the battle against cancer with the enactment of the National Cancer Act. Since then, 60 designated cancer research centers have been established across the country by the National Cancer Institute. Over the past 35 years, there have been tremendous advances in the cure and treatment of cancer. Scientific research on a human genome and proteins have led to breakthroughs that make it possible to design therapies that target the cancer and bypass healthy tissues. This will eliminate suffering from chemotherapy and radiation treatment.

Concurrent advances in imaging technologies and knowledge networking means scientists and doctors will be able to see within 24 to 48 hours, instead of the months or years, the impact of the treatment and whether it is altering function in the expected way. Doctors now believe it is within their grasp to cure or manage cancer similar to other chronic diseases a person can live with but not necessarily die from.

I encourage my colleagues to co-sponsor this resolution tomorrow and to urge Congress to take the next step in the battle against cancer by committing to a plan to eliminate suffering and death from this disease.

Senator Scott's statement is as follows:

I want to read this article that was in *Crain's* by Michael Morse:

"An unethical practice that's not dead yet. Redlining is against the law. However, this discriminatory practice in which insurance companies restrict the availability of insurance to people in particular geographic areas has been going on for decades.

In Detroit, redlining started in the 1950s when financial institutions encouraged white flight from the city by making it difficult for white families to obtain a mortgage on a home in the city and offered lower interest rates on suburban homes.

Since the 1950s, redlining has spread to the automobile insurance arena. Insurance companies will deny that; however, how insurance premiums are calculated is a closely held secret of the insurance companies.

What we do know is that auto insurance companies base heavily their policy premiums on the location or ZIP code where the vehicle will be 'garaged,' and another significant part is based on a person's credit score.

There are multiple stories of individuals being charged \$5,000 or \$6,000 for a single car in certain Detroit neighborhoods. The result? Hundreds of cars on the roads that are either uninsured or significantly underinsured, creating a danger for all of us when there is an accident.

In 2002, Jennifer Granholm as attorney general launched a statewide survey to determine the effects of redlining. The survey showed disparities of up to 17 percent in cities with similar population sizes and auto theft rates, but with different racial makeups.

Because redlining based solely on racial factors is unlawful, this is cause for concern. Additional studies comparing various suburban cities to other suburban cities showed that a community with a sizeable African-American population paid a higher rate by an average of 14 percent.

When the city of Detroit was compared to neighboring cities, those living in the city paid nearly 30 percent more than those who live in a suburb even though the geographic difference was only a few blocks. Similar findings were discovered in a study that concluded in September 2004 by Wayne State University College of Urban, Labor and Metropolitan Affairs.

Unfortunately, in Michigan, insurance rates are based heavily on ZIP code and credit rating rather than type of vehicle and driving record.

In an ongoing effort to justify this practice, many will be surprised to learn that the Insurance Institute of Michigan, an organization funded by Michigan insurance companies, says that credit scores are a necessary part of making pricing more accurate because 'people who use credit are generally responsible in other areas of their lives.'

Whether this is true or legal is in dispute. Last year, Insurance Commissioner Linda Watters promulgated rules banning the use of credit scores setting premiums of automobile, home and other personal lines of insurance. Those rules were struck down by a Barry County circuit judge; Watters' appeal to the Michigan Court of Appeals is still pending.

State Sen. Martha Scott, D-Highland Park, with support of the NAACP, has sponsored several bills seeking to enact useful changes in the insurance industry and presented them to the legislative bodies. She is currently working to establish a task force to challenge redlining statewide.

An individual's driving record and accident history should be the primary factors used to determine insurance pricing guidelines as these factors stand on their own merit and are unbiased and nondiscriminatory. ZIP code rating and especially credit scoring will always smack of discrimination and result in unfair premiums to countless number of consumers.

Michael Morse is president of the Auto Accident Claim Center in Southfield."

Senator Goschka's statement is as follows:

I just want to remind members and staff and anyone who is listening, some time ago, I rose to this podium and talked briefly about the success of the Detroit Tigers. I realize that we have a lot of busy things that we do, but certainly, as Michiganders, we are proud of the Detroit Tigers organization. At that time, they were 19 and 9. They went on at that time to be 35 and 14; 21 games above 500 and they did hit a bump in the road. They lost 8 of their next 10; yet their results showed that they went on to win 8 of their next 10, and then they were right back to a record that was just awesome.

Today, they have now won 11 out of 13 and they are 48 wins and 24 defeats. Those Detroit Tigers, they are young and they have, of course, the professor Kenny Rogers, a great pitcher who is wonderful for that team. They have pitching, they have hitting, and I know that there are many people whose support for the Tigers had waned a bit. It was in dormancy, but today it is very strong. Really, I know all of you are very proud of what that team has done.

I would encourage people all across this state to make sure that you go to Detroit, watch those Tigers, and support them whether they win or lose. Spend some money. This is a great, great team.

It is too early to make predictions, but as a Tigers fan, I must tell you, the excitement is back and it is fun to watch those Detroit Tigers.

Senator Cropsey's statement is as follows:

I have a gentleman I was going to honor today. I believe he's caught in traffic, but I wanted to give this tribute and your sister, Senator Cherry, also has a part of this tribute that we wish to give.

Central Michigan University is blessed with having a professor who was just named Professor of the Year. This is the third time that that has been done for Central Michigan University. I want to go over part of the things for this professor.

Professor Gary Gagnon—we're doing this in recognition of his selection as the recipient of the 2005 Michigan Professor of the Year award. This is named by the Carnegie Foundation for the Advancement of Teaching and the Council for the Advancement and Support of Education. Gary Gagnon is an enthusiastic and caring educator who has made a difference in countless lives. There can be no one more deserving of this prestigious award than Gary. Just to give you an example of the motivation that this professor gives his students, his classes start at 8:00 a.m. No one likes to be in class at 8:00 in the morning. He's enthusiastic enough, though, that half of his class will show up at 7:45, fifteen minutes before the class starts.

Gary is a very successful father. He has three children and he earned his bachelor's in hospitality from Michigan State University and his MBA from Central Michigan University. He also brings a wide range of international management experience, hospitality, and business teaching experience into the classroom. He once had a two-year contract with a Swiss hotel management company that headed him to Saudi Arabia, where he was the director of sales and marketing for a hotel owned by the Saudi Royal Family. Over a seven-year period, he served as resident manager, general manager, and regional executive for six hotels in the Middle East. Now what is interesting about these hotels in the Middle East was that the employees he had—at one time he had over 220 employees from 35 different nations, a dozen different religions, and about that many different languages. Now when you take a look at that and you consider that this was in Saudi Arabia during the first Gulf War, he said things were happening that no textbook could ever prepare you for. He said what do you do if your city is under attack by a scud missile or mustard gas? He said that is the type of thing he had to do and try to run some semblance of a hotel during that time. Not only did he run a good hotel, but he received the Best Hotel in the Middle East award. This was for a small independent property in which he beat out all the international hotel chains for this award. Anyone who knows of Gary's efforts has not been surprised that he exceeded many of the expectations and the requirements expected of him.

Parents, students, teachers, and administrators are all well aware of Gary's leadership ability, commitment to education, and genuine concern for young people. This innovative educator has created a number of successful programs to help students reach their potential. He understands the importance of education and has created a culture within the classroom that rewards creativity and cheesiness.

Clearly, everyone reaps the benefits of an educator's success. This is certainly true in the case of Professor Gagnon. Through his outstanding contributions to young people, he has helped to build a better future for us all. He truly merits this wonderful award as well as our heartfelt gratitude.

Just as an aside, it takes a good professor to build a fire under your students; it takes an excellent professor to build a fire in his students. That is what Professor Gagnon has done. We will be awarding him this tribute and your sister has a similar award from the Governor's office.

Senator Cherry's statement is as follows:

It gives me great pleasure today to join Senator Cropsey with a tribute from the Governor. While Senator Cropsey has talked about all of the achievements of Professor Gary Gagnon, I just wanted to add in addition to the Carnegie Foundation's Michigan Professor of the Year award, Gary also is credited with receiving the 2002 Central Michigan University College of Business Administration Dean's Teaching Award, the 2003 CMU College of Business Administration SBC Excellence in Teaching Award, the 2004 CMU Excellence in Teaching Award, and the 2005 Alpena Public Schools Board of Education Hall of Fame Award.

Gary really exemplifies what this Legislature and what this Governor have been talking about in terms of challenging students to be the best that they can be and to prepare themselves for the new workforce.

It gives me great pleasure to join Senator Cropsey and present this tribute from the Governor, and we will be doing that shortly when he arrives here today.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

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

Senate Bill No. 1324, entitled

A bill to provide for assistance payments to certain guardians of minors; to establish the rights and responsibilities of certain guardians; and to provide for duties and responsibilities of certain state departments and agencies.

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

Senator Patterson introduced

Senate Bill No. 1325, entitled

A bill to require certain credit reporting agencies to place security alerts and security freezes on certain consumer credit information; to authorize and limit fees; and to provide remedies.

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

House Bill No. 5193, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2005 PA 132.

The House of Representatives has passed the bill.

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

House Bill No. 5194, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2006 PA 168.

The House of Representatives has passed the bill.

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

House Bill No. 6089, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as added by 2004 PA 172.

The House of Representatives has passed the bill.

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

House Bill No. 6090, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as added by 2004 PA 173.

The House of Representatives has passed the bill.

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

House Bill No. 6135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17f of chapter XVII (MCL 777.17f), as added by 2002 PA 28.

The House of Representatives has passed the bill.

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

House Bill No. 6213, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

The House of Representatives has passed the bill.

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

Committee Reports

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 840, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501, 8502, 8503, 8505, 8506, 8507, 8509, 8510, 8513, and 8517 (MCL 324.8501, 324.8502, 324.8503, 324.8505, 324.8506, 324.8507, 324.8509, 324.8510, 324.8513, and 324.8517), section 8501 as amended and section 8517 as added by 1998

PA 276 and sections 8502, 8503, 8505, 8506, 8507, 8509, 8510, and 8513 as added by 1995 PA 60, and by adding sections 8501a, 8519, 8520, 8521, and 8522; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Whitmer

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 Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, June 15, 2006, at 8:30 a.m., Room 110, Farnum Building

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

The Committee on Transportation reported

House Bill No. 5581, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2006 PA 108.

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 and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, June 20, 2006, at 1:00 p.m., Room 110, Farnum Building

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

Absent: Senator Leland

The Committee on Commerce and Labor reported

House Bill No. 5955, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 1 and 3 (MCL 446.201 and 446.203), section 1 as amended by 2004 PA 585 and section 3 as amended by 2002 PA 469.

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

House Bill No. 5956, entitled

A bill to amend 1945 PA 231, entitled "An act to prescribe additional regulations and requirements for pawnbrokers, secondhand dealers and junk dealers; to provide for the taking of fingerprints and the making of reports to enforcement

officers; to prescribe penalties for the violation of the provisions of this act; and to declare the effect of this act,” by amending sections 1 and 6 (MCL 445.471 and 445.476).

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

House Bill No. 5957, entitled

A bill to amend 1917 PA 350, entitled “An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 1 and 3 (MCL 445.401 and 445.403).

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

House Bill No. 5958, entitled

A bill to amend 1981 PA 95, entitled “The precious metal and gem dealer act,” by amending sections 2 and 3 (MCL 445.482 and 445.483), section 2 as amended by 1990 PA 34.

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.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, June 20, 2006, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus, Schauer and Olshove

The Committee on Judiciary reported

House Bill No. 4891, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1801 and 1810 (MCL 339.1801 and 339.1810), section 1810 as amended by 1990 PA 15.

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, Patterson, Schauer, Whitmer and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported
House Bill No. 5953, entitled

A bill to amend 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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, Patterson, Schauer, Whitmer and Brater

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 Judiciary submitted the following:

Meeting held on Tuesday, June 20, 2006, at 1:15 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Economic Growth (SCR 45) submitted the following:

Meeting held on Tuesday, June 20, 2006, at 4:00 p.m., Room 210, Farnum Building

Present: Senators Cassis (C), Sanborn and Thomas

Scheduled Meetings

Appropriations -

Subcommittee -

Capital Outlay - Thursday, June 22, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, June 22, 1:00 p.m., Room 100, Farnum Building (373-2417)

Commerce and Labor - Thursday, June 22, 8:30 a.m., Room 100, Farnum Building (373-2413) (CANCELED)

Local, Urban and State Affairs - Thursday, June 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:10 a.m.

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

CAROL MOREY VIVENTI
 Secretary of the Senate