

No. 81
STATE OF MICHIGAN
Journal of the Senate

93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, September 12, 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

Senator Mark Schauer of the 19th District offered the following invocation:

“Lord, make me an instrument of Your peace.

Where there is hatred, let me so love.

Where there is injury, pardon.

Where there is doubt, faith.

Where there is despair, hope.

Where there is darkness, light.

Where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console;

To be understood as to understand;

To be loved as to love;

For it is in giving that we receive.

It is in pardoning that we are pardoned.

It is in dying that we are born to eternal life.”

Amen.

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

Senators Whitmer, Leland, Garcia and Barcia entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Resolutions

By unanimous consent the Senate proceeded to consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 53.

A concurrent resolution to honor the memory of John W. Fitzgerald, former member of the Michigan Senate and justice of the Michigan Supreme Court.

(This resolution was offered on July 26 and the motion to suspend rule 3.204 postponed. See Senate Journal No. 71, p. 1899.)

The question being on the motion to suspend rule 3.204,

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

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

Senators Sikkema and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema’s statement is as follows:

Mr. President, as you mentioned this is a memorial resolution for a former member of this body, John W. Fitzgerald, who recently passed away. But rather than make this a somber occasion, I’d like to take an opportunity with his wife seated beside me, Mrs. Fitzgerald, to turn this into a celebration of a remarkable man who had a remarkable career and a remarkable family.

John W. Fitzgerald served in this body, I think, for three terms starting in 1958, and I remind the members, as Mrs. Fitzgerald reminded me, that at that time you had a two-year term as a Senator. She said you were campaigning all of the time. Prior to being in the Senate, he served as legal counsel to the Senate Judiciary Committee. She mentioned to me that when he served as legal counsel to the Senate Judiciary Committee, I think, at the time the majority party was Republicans, and they had one secretary for the entire caucus. Now there’s a way to save some money.

But this gentleman who was, as I mentioned, a State Senator and at that time there was a group of Republican Senators called the Young Turks. He was a member of the Young Turks, kind of upsetting the status quo. After serving in the State Senate, John Fitzgerald got elected to the Court of Appeals, and then eventually to the Michigan Supreme Court—I think my memory serves me correctly—in 1974.

He just had a remarkable career. He was, I think, one of the founders and one of the original professors and might have been on the board of Cooley Law School. He served this state with distinction and honor and great ability.

I have to mention really the entire pedigree of this Fitzgerald family. He was the father of a former colleague of a number of ours, Frank Fitzgerald. In fact, Frank got elected the same year I did in the House, and, of course, we recognized his untimely passing about a year and a half ago. If I'm right about this, and Mrs. Fitzgerald you need to correct me, but Frank, obviously, John's son, served in the House. John was a former Senator and former Supreme Court Justice. John's father, Frank's grandfather, was a Governor and I believe that John's grandfather and Frank's great-grandfather was a State Representative. Just a remarkable family in the history of this state that has served as I mentioned. All member of that family served this state with great distinction and honor.

John, himself, and I met several times. He was a very, I guess the word is kind of an unassuming, quiet man. Now, maybe in 1958, he had a different demeanor if he was a member of the Young Turks here in the Senate. When I met him after Frank was elected, I met him a couple of times. He was just a very unassuming man and talking to him, aside from his command of Michigan history, you really wouldn't know about his service to the state because he never really talked about it and never really bragged about it. But this state is better off because of his service not just to this body, but because of his service in the judiciary and the service of his entire family.

I have to tell you one anecdote. When I got elected with Frank in 1986, I was getting to know Frank and we were chatting about things. Frank said his father told him, "You know, now you just got elected to the State House and you think the biggest problem you're going to have as a Republican in the House is going to be with Democrats. That's not true. The biggest problem you're going to have as a Republican in the House is with the Republicans in the Senate." There's a lot of truth to that.

We are honored to have you with us and we're really honored to be able to take a few minutes this morning to recognize the contributions of your husband and the contributions of your son as well. Thank you very much.

Senator Sanborn's statement is as follows:

You know, when I first came into the House of Representatives, I had the distinct honor of serving with Frank Fitzgerald. I came in at a special election and Frank was one of the people who took the time to kind of educate me as to the process. I always appreciated Frank for that. But a generation before, my father served in the Michigan Legislature with John Fitzgerald, and I had an opportunity to speak with Mrs. Fitzgerald about that.

It was an honor for me to serve with Frank. I know it was an honor for my father to serve with John. I offer my condolences and I'm well aware of the history as so many of us are of the four generations of Fitzgeralds who have committed their lives to public service. It was an honor to serve with your family.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 246

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 7:

**House Bill Nos. 6197 6253 6370 6371 6372 6373 6374 6375 6376 6377 6378 6379 6380 6381
 6382 6383 6384**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 7, for her approval the following bill:

Enrolled Senate Bill No. 1047 at 2:30 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 11, for her approval the following bills:

Enrolled Senate Bill No. 453 at 2:43 p.m.

Enrolled Senate Bill No. 693 at 2:45 p.m.

Enrolled Senate Bill No. 1364 at 2:47 p.m.

Enrolled Senate Bill No. 50 at 2:49 p.m.

Enrolled Senate Bill No. 420 at 2:51 p.m.

Enrolled Senate Bill No. 1234 at 2:53 p.m.

The Secretary announced that the following official bills were printed on Thursday, September 7, and are available at the legislative website:

House Bill Nos. 6416 6417 6418 6419 6420 6421 6422 6423 6424 6425 6426 6427 6428 6429

The Secretary announced that the following official bills were printed on Friday, September 8, and are available at the legislative website:

Senate Bill Nos. 1410 1411 1412

**House Bill Nos. 6430 6431 6432 6433 6434 6435 6436 6437 6438 6439 6440 6441 6442 6443
6444 6445 6446 6447 6448 6449**

Messages from the Governor

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

Senate Bill No. 272

Senate Bill No. 271

Senate Bill No. 264

Senate Bill No. 274

Senate Bill No. 281

Senate Bill No. 175

Senate Bill No. 236

Senate Bill No. 892

Senate Bill No. 893

Senate Bill No. 956

Senate Bill No. 957

Senate Bill No. 179

Senate Bill No. 1026

Senate Bill No. 1027

Senate Bill No. 1028

Senate Bill No. 372

Senate Bill No. 973

Senate Bill No. 974

Senate Bill No. 975

Senate Bill No. 976

Senate Bill No. 242

Senate Bill No. 297

Senate Bill No. 1085

Senate Bill No. 1086

Senate Bill No. 1094

The motion prevailed.

The following messages from the Governor were received and read:

September 7, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Apple Marketing Program Committee

Mr. Alvin F. Dietrich of 882 Harding Street, Conklin, Michigan 49403, county of Ottawa, reappointed to represent District 3 growers, expiring April 1, 2009.

Mr. Mark A. Doherty of 9680 East Carter Road, Traverse City, Michigan 49684, county of Leelanau, reappointed to represent District 6 growers, expiring April 1, 2009.

September 7, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 302 and 2002 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2002:

Board of Architects

Ms. Catherine M. DeDecker of 11970 Diamond Lane, Washington, Michigan 48094, county of Macomb, succeeding Lori Beyer, whose term has expired, representing the Board of Land Surveyors, for a term commencing September 7, 2006 and expiring March 31, 2009.

September 7, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 3 of the Beef Industry Commission Act, 1972 PA 291, MCL 287.603:

Michigan Beef Marketing Program Committee

Mr. Timothy L. Andrews of 6698 South Shunk Road, Sault Saint Marie, Michigan 49783, county of Chippewa, succeeding Clarence Wilbur, whose term has expired, representing cattle growers, for a term commencing September 7, 2006 and expiring May 31, 2009.

Mr. Daniel M. Javor of 4351 Messer Road, Hastings, Michigan 49058, county of Barry, reappointed to represent dairy farmers, for a term expiring May 31, 2009.

Mr. Dale R. Oeschger of 2129 South Bay Port Road, Bay Port, Michigan 48720, county of Huron, reappointed to represent cattle feeders, for a term expiring May 31, 2009.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office pursuant to Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279:

Commission of Agriculture

Mr. James E. Byrum, a Democrat, of 4933 Bellevue Road, Onondaga, Michigan 49264, county of Ingham, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 5 of the Forensic Polygraph Examiners Act, 1972 PA 295, MCL 338.1705:

State Board of Forensic Polygraph Examiners

Mr. Robert J. Dykstra of 937 Emerald Court, Marysville, Michigan 48040, county of St. Clair, succeeding Amado Arceo III, who has resigned, representing public examiners, for a term commencing September 8, 2006 and expiring May 15, 2009.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of 1950 (Ex Sess) PA 21, MCL 254.302:

Mackinac Bridge Authority

Mr. Robert Daniel Musser III, a Republican, of 618 East Lake Street, Petoskey, Michigan 49770, county of Charlevoix, succeeding Angelo Lanni, whose term has expired, appointed for a term expiring June 30, 2012.

Mr. Robert Struck, a Republican, of 160 Bazinette, Marquette, Michigan 49855, county of Marquette, succeeding William Gnodtke, who has resigned, appointed for a term expiring June 30, 2008.

Mr. William Gnodtke, a Republican, of 856 First Street, Charlevoix, Michigan 49720, county of Charlevoix, succeeding Elsa Schaller, whose term has expired, appointed for a term expiring June 30, 2012.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501:

Commission of Natural Resources

Rev. Hurley J. Coleman, Jr., a Democrat, of 11 Cobblestone Place, Saginaw, Michigan 48603, county of Saginaw, succeeding Robert J. Garner, appointed for a term commencing January 1, 2007 and expiring December 31, 2010.

Mr. John M. Madigan, a Republican, of 831 West Munising Avenue, Munising, Michigan 49862, county of Alger, reappointed for a term commencing January 1, 2007 and expiring December 31, 2010.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905:

Michigan Natural Resources Trust Fund Board

Mr. Robert Garner of 7020 East 48 Road, Cadillac, Michigan 49601, county of Wexford, succeeding Keith Charters, who has resigned, representing the general public, for a term expiring October 1, 2009.

Mr. Marvin Samuel Washington of 7327 Richardson, West Bloomfield, Michigan 48323, county of Oakland, reappointed representing the general public, for a term commencing on October 2, 2006 and expiring October 1, 2010.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office pursuant to Section 28 of Article 5 of the Michigan Constitution of 1963 and Section 3 of 1964 PA 286, MCL 247.803:

State Transportation Commission

Ms. Linda M. Atkinson, a Democrat, of N13927 Newberg Road, Channing, Michigan 49815, county of Dickinson, reappointed for a term commencing December 22, 2006 and expiring December 21, 2009.

Mr. Vincent J. Brennan, an Independent, of 1038 Bishop, Grosse Pointe Park, Michigan 48230, county of Wayne, reappointed for a term commencing December 22, 2006 and expiring December 21, 2009.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment under Sections 21 and 22 of the Tax Tribunal Act, 1973 PA 186, MCL 205.721 and 205.722:

Michigan Tax Tribunal

Ms. Rachel Asbury of 805 Northlawn, East Lansing, Michigan 48823, county of Ingham, succeeding John S. Gilbreath, who has resigned, representing members at large, for a term commencing October 16, 2006 and expiring June 30, 2010.

September 8, 2006

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 78102 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.78102:

Michigan State Waterways Commission

Mr. Curtis A. Hertel, Sr., of 1464 Blairmoor Court, Grosse Pointe Woods, Michigan 48236, county of Wayne, reappointed for a term commencing September 19, 2006 and expiring September 18, 2009.

Ms. Janet M. Mansfield of 4991 French Road, Alpena, Michigan 49707, county of Alpena, reappointed for a term commencing September 19, 2006 and expiring September 18, 2009.

Ms. Carol B. Oakley of 3389 Middlefield Drive, Trenton, Michigan 48183, county of Wayne, reappointed for a term commencing September 19, 2006 and expiring September 18, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 435

Senate Bill No. 640

The motion prevailed.

Senate Bill No. 880, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41A.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), 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.

Third Reading of Bills

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

- Senate Bill No. 1017**
- House Bill No. 4861**
- Senate Bill No. 454**
- Senate Bill No. 455**
- House Bill No. 4086**
- House Bill No. 4431**
- House Bill No. 5719**
- House Bill No. 5193**
- House Bill No. 5194**
- House Bill No. 6135**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1017, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 75, 85, and 91 (MCL 38.1375, 38.1385, and 38.1391), section 75 as amended by 1989 PA 194, section 85 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117.

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. 640

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—0

Excused—1

Thomas

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. 4861, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 224, 224d, and 231 (MCL 750.224, 750.224d, and 750.231), section 224 as amended by 1991 PA 33, section 224d as amended by 1992 PA 4, and section 231 as amended by 2002 PA 536.

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. 641

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—0

Excused—1

Thomas

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, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 454, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174 (MCL 750.174), as amended by 1998 PA 312.

The question being on the passage of the bill,

Senator Garcia offered the following amendments:

1. Amend page 2, line 21, after "**CORPORATION**" by striking out the balance of the subdivision and inserting "**OR CHARITABLE ORGANIZATION UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.**".

2. Amend page 3, line 9, after "**CORPORATION**" by striking out the balance of the subdivision and inserting "**OR CHARITABLE ORGANIZATION UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.**".

3. Amend page 3, line 24, after “**CORPORATION**” by striking out the balance of the subdivision and inserting “**OR CHARITABLE ORGANIZATION UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.**”.

4. Amend page 5, line 20, after “**CORPORATION**” by striking out the balance of the subdivision and inserting “**OR CHARITABLE ORGANIZATION UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.**”.

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. 642**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—0**Excused—1**

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 151.

The question being on the passage of the bill,

Senator Garcia offered the following amendments:

1. Amend page 2, line 11, after “**FROM**” by inserting “**NONPROFIT CORPORATION OR**”.
2. Amend page 2, line 12, after “**FROM**” by inserting “**NONPROFIT CORPORATION OR**”.

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. 643**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—0

Excused—1

Thomas

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. 4086, entitled

A bill to amend 1846 RS 83, entitled “Of marriage and the solemnization thereof,” by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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. 644

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—0

Excused—1

Thomas

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:

House Bill No. 4431, entitled

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

The question being on the passage of the bill, Senator Schauer offered the following amendment:

1. Amend page 3, following line 5, by inserting:

“Enacting section 1. This amendatory act shall be known and may be cited as “Deborah Moore-Foster’s law”.” and renumbering the remaining enacting section.

The question being on the adoption of the amendment, Senator Cropsey 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. 5719, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 217g and 217h.

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. 645

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—0

Excused—1

Thomas

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, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 646

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—0

Excused—1

Thomas

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 require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions.”.

The Senate agreed to the full title.

The following bill was read a third time:

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 316.

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. 647

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—0

Excused—1

Thomas

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 probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act."

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 648**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
Cassia	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

Nays—0**Excused—1**

Thomas

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.

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 Brown 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. 1357, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 1 (MCL 331.1).

House Bill No. 6062, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16511 and 16521 (MCL 333.16511 and 333.16521), as added by 2006 PA 30.

House Bill No. 6063, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18811 and 18821 (MCL 333.18811 and 333.18821), section 18811 as amended by 1982 PA 353 and section 18821 as amended by 1993 PA 79.

House Bill No. 6064, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18705 (MCL 333.18705), as added by 2004 PA 3.

House Bill No. 6086, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18411 (MCL 333.18411).

House Bill No. 6138, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17211 and 17221 (MCL 333.17211 and 333.17221), section 17221 as amended by 1993 PA 79.

House Bill No. 6139, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17411 and 17421 (MCL 333.17411 and 333.17421), section 17421 as amended by 1993 PA 79.

House Bill No. 6140, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16803 and 16805 (MCL 333.16803 and 333.16805), as added by 2004 PA 97.

House Bill No. 6141, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17011 (MCL 333.17011), as amended by 1993 PA 79, and by adding section 17026.

House Bill No. 6142, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16411 and 16421 (MCL 333.16411 and 333.16421), section 16411 as amended by 2002 PA 734 and section 16421 as amended by 1993 PA 79.

House Bill No. 6143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18211 and 18221 (MCL 333.18211 and 333.18221), section 18221 as amended by 1993 PA 79.

House Bill No. 6145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18305 (MCL 333.18305), as amended by 1993 PA 79.

House Bill No. 6146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18505 (MCL 333.18505), as amended by 2004 PA 61.

House Bill No. 6147, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7301a, 16111, 16122, 16139, and 16264 (MCL 333.7301a, 333.16111, 333.16122, 333.16139, and 333.16264), section 7301a as added and section 16111 as amended by 1988 PA 462 and sections 16122 and 16139 as amended by 1993 PA 80; and to repeal acts and parts of acts.

House Bill No. 6148, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17511 (MCL 333.17511) and by adding section 17526.

House Bill No. 6149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18011 and 18021 (MCL 333.18011 and 333.18021), as amended by 2006 PA 161.

House Bill No. 6205, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17711 and 17721 (MCL 333.17711 and 333.17721), section 17721 as amended by 1993 PA 79.

House Bill No. 6206, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17305 (MCL 333.17305), as added by 2001 PA 139.

House Bill No. 6207, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16903, 16905, and 16907 (MCL 333.16903, 333.16905, and 333.16907), as added by 1995 PA 126.

House Bill No. 6208, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820, 17821, and 17903 (MCL 333.17820, 333.17821, and 333.17903), section 17820 as amended by 2005 PA 281, section 17821 as amended by 1993 PA 79, and section 17903 as added by 2006 PA 54.

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:

House Bill No. 5672, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766 (MCL 333.17766), as amended by 2004 PA 329, and by adding section 17780.

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. 6150, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18103, 18105, and 18115 (MCL 333.18103, 333.18105, and 333.18115), section 18103 as amended by 1993 PA 79, section 18105 as amended by 1989 PA 262, and section 18115 as added by 1988 PA 421.

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the Committee on Economic Development, Small Business and Regulatory Reform be discharged from further consideration of the following bill:

Senate Bill No. 350, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending sections 2 and 10a of article V (MCL 479.2 and 479.10a), section 2 of article V as amended by 1996 PA 76 and section 10a of article V as amended by 1993 PA 352, and by adding article I-A; and to repeal acts and parts of acts.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Commerce and Labor.

The motion prevailed.

By unanimous consent the Senate returned 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.

House Concurrent Resolution No. 30.

A concurrent resolution to memorialize the Congress of the United States to eliminate the Medicare caps on accredited graduate medical education positions for the state of Michigan that were imposed as part of the Balanced Budget Amendment of 1997.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Resolution No. 152.

A resolution to memorialize Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Thomas entered the Senate Chamber.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1413, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 19 and 81 (MCL 388.1619 and 388.1681), section 19 as amended by 2005 PA 155 and section 81 as amended by 2006 PA 342.

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

Senators Gilbert and Allen introduced

Senate Bill No. 1414, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8c, 8e, and 8f (MCL 125.2688c, 125.2688e, and 125.2688f), section 8c as amended by 2006 PA 284, section 8e as added by 2006 PA 270, and section 8f as added by 2006 PA 305.

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

Senators Allen, Birkholz, Kuipers, George, Garcia, Goschka and Brown introduced

Senate Bill No. 1415, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 2000 PA 195.

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

Senators Hammerstrom, Cassis, McManus, Toy, Patterson, Birkholz, Johnson, Cherry, Whitmer, Scott, Clark-Coleman, Jacobs, Brater, George and Stamas introduced

Senate Bill No. 1416, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9206, 9208, and 9227 (MCL 333.9206, 333.9208, and 333.9227), section 9206 as amended by 1996 PA 540, section 9208 as amended by 2000 PA 90, and section 9227 as amended by 2006 PA 91, and by adding section 9205b.

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

Senators Hammerstrom, Cassis, McManus, Toy, Patterson, Birkholz, Johnson, Cherry, Whitmer, Scott, Clark-Coleman, Jacobs, Brater, George and Stamas introduced

Senate Bill No. 1417, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

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

Senators Basham, McManus, Birkholz, Jelinek, Brown, Kuipers, Cherry, Goschka, Allen, Scott, Olshove, Barcia, Switalski, Clark-Coleman and Brater introduced

Senate Bill No. 1418, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16909 (MCL 324.16901 and 324.16909), as amended by 2002 PA 496.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Brater, McManus, Birkholz, Jelinek, Brown, Kuipers, Cherry, Goschka, Scott, Olshove, Switalski and Basham introduced

Senate Bill No. 1419, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16902 (MCL 324.16902), as amended by 2002 PA 496.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Schauer, McManus, Birkholz, Jelinek, Brown, Kuipers, Cherry, Goschka, Allen, Scott, Olshove, Barcia, Switalski, Basham, Clark-Coleman and Brater introduced

Senate Bill No. 1420, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16903 (MCL 324.16903), as amended by 2002 PA 496.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Jelinek, McManus, Brown, Birkholz, Kuipers, Goschka, Cherry, Allen, Scott, Olshove, Barcia, Switalski, Basham, Clark-Coleman and Brater introduced

Senate Bill No. 1421, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16903b (MCL 324.16903b), as added by 2002 PA 496.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, McManus, Jelinek, Brown, Kuipers, Cherry, Goschka, Allen, Scott, Olshove, Barcia, Switalski, Basham, Clark-Coleman and Brater introduced

Senate Bill No. 1422, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16908 (MCL 324.16908), as amended by 2002 PA 496.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus, Jelinek, Brown, Birkholz, Kuipers, Cherry, Goschka, Allen, Scott, Olshove, Barcia, Switalski, Basham, Clark-Coleman and Brater introduced

Senate Bill No. 1423, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16911.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus, Jelinek, Brown, Birkholz, Kuipers, Cherry, Goschka, Allen, Scott, Olshove, Barcia, Switalski, Basham, Clark-Coleman and Brater introduced

Senate Bill No. 1424, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2005 PA 179.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Hammerstrom introduced

Senate Bill No. 1425, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16174, 17011, and 17511 (MCL 333.16174, 333.17011, and 333.17511), section 16174 as amended by 2006 PA 26 and section 17011 as amended by 1993 PA 79.

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

House Bill No. 6197, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 5, 11, 13, 15, 17, 19, 21, 25, 31, 35, 51, and 53 (MCL 55.265, 55.271, 55.273, 55.275, 55.277, 55.279, 55.281, 55.285, 55.291, 55.295, 55.311, and 55.313).

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

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

House Bill No. 6253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16181 and 16186 (MCL 333.16181 and 333.16186), section 16181 as amended by 2004 PA 200 and section 16186 as amended by 2004 PA 3.

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

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

House Bill No. 6370, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," (MCL 16.101 to 16.608) by adding section 311.

The House of Representatives has passed the bill.

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

House Bill No. 6371, entitled

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 10 (MCL 388.1010).

The House of Representatives has passed the bill.

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

House Bill No. 6372, entitled

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

The House of Representatives has passed the bill.

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

House Bill No. 6373, entitled

A bill to amend 1963 PA 40, entitled "An act to authorize private trade schools, business schools, correspondence schools and institutes to solicit students in this state; to provide for the issuance of permits to solicitors; to prescribe the powers and duties of the superintendent of public instruction; to provide penalties for violations of this act; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 395.121 and 395.123), section 3 as amended by 1988 PA 244.

The House of Representatives has passed the bill.

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

House Bill No. 6374, entitled

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 2, 4, and 5 (MCL 390.502, 390.504, and 390.505), as amended by 2005 PA 34.

The House of Representatives has passed the bill.

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

House Bill No. 6375, entitled

A bill to amend 1931 PA 327, entitled "An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state; to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations," by amending sections 171, 172, 173, and 177 (MCL 450.171, 450.172, 450.173, and 450.177).

The House of Representatives has passed the bill.

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

House Bill No. 6376, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 105, 123, 124, and 143 (MCL 389.105, 389.123, 389.124, and 389.143), section 105 as amended by 2003 PA 306, section 123 as amended by 1980 PA 5, and section 124 as amended by 1997 PA 135.

The House of Representatives has passed the bill.

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

House Bill No. 6377, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 107 (MCL 388.1707), as amended by 2005 PA 155.

The House of Representatives has passed the bill.

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

House Bill No. 6378, entitled

A bill to amend 1946 (1st Ex Sess) PA 18, entitled "An act to authorize counties to provide a program of adult education; to provide personnel and equipment; to require approval of the superintendent of public instruction; and to authorize county appropriations therefor," by amending sections 1 and 2 (MCL 388.531 and 388.532).

The House of Representatives has passed the bill.

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

House Bill No. 6379, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 3 (MCL 380.3), as amended by 2004 PA 303.

The House of Representatives has passed the bill.

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

House Bill No. 6380, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 2 (MCL 390.1152), as amended by 1987 PA 206.

The House of Representatives has passed the bill.

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

House Bill No. 6381, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

The House of Representatives has passed the bill.

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

House Bill No. 6382, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403), as amended by 2004 PA 183.

The House of Representatives has passed the bill.

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

House Bill No. 6383, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 3 (MCL 390.1323).

The House of Representatives has passed the bill.

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

House Bill No. 6384, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1373).

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Yesterday, at a press conference in Detroit, Governor Granholm announced that Auto-Owners Insurance has agreed to reduce home and personal automobile rates for eligible members of the Metro Detroit Quality of Life Improvement and the Flint Unification for Urban Equality organizations. This is the result of the group insurance initiative she first announced probably almost a year ago now.

I applaud the Governor's progress on insurance reform. It is indeed a positive step toward fair and equitable rates for all. The Governor stated, "Giving citizens access to affordable insurance regardless of where they live is essential to helping Michigan cities thrive. Something is wrong when citizens have to pay thousands of dollars more for insurance just because they live in Detroit or Flint. Through the insurance pooling initiative, those who are responsible in their driving and home protection can be rewarded with lower rates." I agree 100 percent with everything the Governor said.

However, I want my colleagues to know that there is more to be done. We must work to ensure that every insurance company in this state provides rates to every driver that are fair and affordable. We can do that by passing legislation that is sitting in committee.

Rates must reflect an individual's driving record, rewarding good drivers regardless of where they live. That takes me back to my long-standing belief that when setting rates, insurance companies must place less emphasis on where an individual resides and more emphasis on the driving record, miles driven, years of experience, and the type of car you drive. These are the factors that should carry the most weight when insurance companies determine rates.

Senator Cropsey's statement is as follows:

I was here in 1994 when we passed legislation, in essence, putting teeth into the teachers' strike legislation. Since that time, we've had very, very few strikes. They've been rare, exceedingly rare. I'm more than a little bit concerned—I'm very concerned about what we see happening in the largest school system in this state. For two weeks now, the students in the Detroit school system have not had school. This is in direct violation of the law.

I guess what's really interesting is when I take a look at this, we have just heard about auto insurance in the city of Detroit, which we've heard about for every session day, just about, since I don't remember when. We have 130,000 children who are out of school and I haven't heard anybody get up at this point and say what is in the best interest of the kids. That's unfortunate.

Just last week, we had a judge order school back in session on Monday. We've had a union that has basically said, "You can obey the court order if you want to, but you don't need to." We just had that happen with the Board of State Canvassers where we had two canvassers who refused to obey a court order on time and the two members who refused to do that are off the Board of State Canvassers. One of them acknowledged that he was in contempt of court, paid a fine, if I remember correctly, and then resigned. The other one in order to save his law license resigned under an agreement that he would resign.

This is a very serious issue when we have a judge make an order and then that order is violated or people hold that order in contempt. I'd hope for the sake of the children for two reasons, first and foremost, for the sake of the children that school would once again start in the city of Detroit or for the Detroit school system. I'd also hope for the rule of law that the judge in this case makes very clear that because her ruling has been violated that there will be serious consequences to the people who have violated the court's order.

In order to have rule of law, you must have consequences, and those consequences must be of such a nature that people will regard that and say you should not be violating the rule of law.

Senator Basham's statement is as follows:

I listened with great interest when my colleague from the 33rd Senate District talked about things going on that he didn't like that's actually ruled on. Quite frankly, when I heard the news coming up here this morning to the State Senate, they, in fact, the Detroit school teachers have a tentative agreement worked out. They worked all night long. They worked with the good help of the mayor of the city of Detroit and I know the Governor's staff and office have been involved in this also.

The teachers and, in fact, unions in this great state have a right to negotiate. At one time in this country, it was against the law for blacks to vote and there was civil disobedience. You know, at one time women couldn't vote and there was civil disobedience. Sometimes laws need to get changed. I'm not advocating for civil disobedience, but, in fact, sometimes it happens. Sometimes when administrators make sure they line their pockets, their wages, their health care, and ignore the teachers in this great state who have gave and gave and thinks it's time to get the administrators' attention, sometimes, quite frankly, it's time to get the attention of the public in general about this very, very important issue.

I agree it's very, very important that our kids should be educated. In fact, they will be educated in the city of Detroit. If my colleague, learned colleague from the 33rd District, cared enough about the kids in the city of Detroit, maybe we would put more money into education because, quite frankly, I think it's about 50-some percent of the kids in Detroit—it might even be a greater number—are in poverty. So maybe we need to look at how we can support families in the city of Detroit. Maybe we can work with the Governor on how to create jobs in the city of Detroit.

So this is not a simple issue. There's lots of things that I don't like that's going on in this state, but to second-guess Judge Borman's decision and to second-guess what's going on at the bargaining table, I think, is hypocritical of this body.

Committee Reports

The Committee on Agriculture, Forestry and Tourism reported
Senate Bill No. 1328, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

With the recommendation that the bill 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, Brater and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, September 7, 2006, at 9:00 a.m., Room 110, Farnum Building

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 1361, entitled

A bill entering into the interstate insurance product regulation compact; and for related purposes.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 1393, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57k (MCL 400.57k), as amended by 2004 PA 445.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 5022, entitled

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

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 Banking and Financial Institutions submitted the following:

Meeting held on Thursday, September 7, 2006, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Local, Urban and State Affairs reported

House Bill No. 5633, entitled

A bill to designate an official language of this state.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Cropsey and Goschka

Nays: Senator Whitmer

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, September 7, 2006, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Cropsey, Goschka, Basham and Whitmer

The Committee on Banking and Financial Institutions reported

House Bill No. 5021, entitled

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

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.

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

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

Scheduled Meetings

21st Century Jobs Funds Joint Select Committee (SCR 38) - Thursday, September 14, 2:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Agriculture, Forestry and Tourism - Thursday, September 14, 9:00 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, September 14, 12:00 noon, Room 100, Farnum Building (373-2417)

Health Policy - Wednesday, September 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

State Drug Treatment Court Advisory Committee - Tuesday, September 26, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Technology and Energy - Wednesday, September 13, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:18 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 13, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate