

**No. 110**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Thursday, December 8, 2005.

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  
Bernero—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—excused  
Kuipers—present  
Leland—present  
McManus—present

Olshove—present  
Patterson—present  
Prusi—present  
Sanborn—present  
Schauer—present  
Scott—excused  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

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

Lord, as we begin today's deliberations, every decision is important. Help us through mind and conscience to make the correct decisions for the people of this state. Let us think of fairness and good for all. People depend on us and we depend on you, Lord, to do our best. Please be with us. Amen.

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

### Motions and Communications

Senators Bernero and Thomas entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Bernero admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

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

The motion prevailed, the time being 10:03 a.m.

10:12 a.m.

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

During the recess, Senator Bernero introduced the East Lansing High School Boys Soccer Team, 2005 Division 2 State Champions, and Coach Nick Archer, and presented them with a Special Tribute.

Coach Archer responded briefly.

During the recess, Senators Garcia, Sanborn and Emerson entered the Senate Chamber.

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I am very pleased to make this introduction. Over the last couple of days, we've had some of our Senate colleagues proclaim the wonderful championship teams from their areas, and I have a championship team visiting the Senate today: the 2005 Division 2 Girls Cross Country State Champions from Grand Rapids Christian High School. This team captured their first state championship since 1979. At the state championships in Brooklyn, Michigan, the Eagles recorded an impressive score of 108. The team members are—and if we could have them stand: Jennifer Anderson, Bailey Benson, Andrea Beukema, Tina Bolt, Julia Daining, Janna DeVoogd, Sarah Feenstra, Jessica Jager, Jessica Koster, Alyssa Penning, Kelly VanderLaan, and Leah Warners; Coaches Doug Jager, Kris Koster, and Laura Vroon.

They're in the east Gallery. I would like to have my Senate colleagues help me welcome them to the Michigan Senate today.

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

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

Senator Hammerstrom moved that the Committee on Transportation be discharged from further consideration of the following bill:

**House Bill No. 4655, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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 rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**House Bill No. 4540**

**Senate Bill No. 529**

**Senate Bill No. 530**

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

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

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

**House Bill Nos. 4460 4721 4982 5144 5239 5364 5418 5459 5461 5471 5480**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 8:

**House Bill Nos. 4756 5061 5270 5460**

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

**Senate Bill No. 923**

**House Bill No. 5483**

By unanimous consent the Senate proceeded to the order of

**Messages from the House**

**Senate Bill No. 88, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3517, 3519, 3523, 3529, 3533, 3539, and 3571 (MCL 500.3515, 500.3517, 500.3519, 500.3523, 500.3529, 500.3533, 500.3539, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3517, 3533, 3539, and 3571 as added by 2000 PA 252, and sections 3523 and 3529 as amended by 2002 PA 304.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 161, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 380, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 448, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8321, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8321, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

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

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

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 303d, 321, 410, 601, 810, 841, 859, 871, 1701, 8321, 8322, 8331, 8344, and 8507 (MCL 600.303d, 600.321, 600.410, 600.601, 600.810, 600.841, 600.859, 600.871, 600.1701, 600.8321, 600.8322, 600.8331, 600.8344, and 600.8507), section 303d as amended by 2004 PA 448, section 321 as amended by 2005 PA 151, section 410 as added and sections 601 and 841 as amended by 2002 PA 678, sections 859 and 8331 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

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

**Senate Bill No. 634, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after "subsection" by striking out "(4)" and inserting "(3)".
2. Amend page 2, line 2, after "2005" by striking out "AND BEFORE JANUARY 1, 2007".
3. Amend page 2, line 11, by striking out all of subsection (3) and renumbering the remaining subsections.
4. Amend page 3, line 3, by striking out all of enacting section 1.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 778, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "resources." by striking out the balance of the line through "year." on line 6 and inserting "THE REPORT SHALL BE SUBMITTED NOT LATER THAN OCTOBER 1, 2008 AND EVERY THIRD YEAR THEREAFTER."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 457, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county and in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain state officers, departments, and agencies with regard to the conveyances; and to provide for disposition of revenue derived from the conveyances.

Substitute (H-2).

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

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

**Roll Call No. 671**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Johnson	Scott
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**Not Voting—1**

Thomas

In The Chair: President

Senator Schauer moved to reconsider the vote by which the House substitute was concurred in.

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

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

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

**Roll Call No. 672**

**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn

Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	Emerson	Kuipers	Stamas
Bishop	Garcia	Leland	Switalski
Brater	George	McManus	Thomas
Brown	Gilbert	Olshove	Toy
Cassis	Goschka	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Johnson                      Scott

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 668, entitled**

A bill to amend 1998 PA 381, entitled “Michigan agricultural processing act,” by amending section 3 (MCL 289.823).

Substitute (H-1).

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

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

**Roll Call No. 673**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson                      Scott







**Roll Call No. 676****Yeas—36**

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

**Nays—0****Excused—2**

Johnson                      Scott

**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. 850, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30103, 32701, 32702, 32707, and 32713 (MCL 324.30103, 324.32701, 324.32702, 324.32707, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59 and sections 32701 and 32707 as amended by 2003 PA 148, and by adding sections 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 20, following line 26, by inserting:

“(e) Senate Bill No. 855.”.

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

Senator Schauer requested the yeas and nays.

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

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

**Roll Call No. 677****Yeas—16**

Barcia	Cherry	Jacobs	Prusi
Basham	Clark-Coleman	Leland	Schauer
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Patterson	Toy

**Nays—19**

Allen	Cropsey	Hammerstrom	Sanborn
Birkholz	Garcia	Hardiman	Sikkema

Bishop  
Brown  
Cassis

George  
Gilbert  
Goschka

Jelinek  
Kuipers  
McManus

Stamas  
Van Woerkom

**Excused—2**

Johnson

Scott

**Not Voting—1**

Thomas

In The Chair: President

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

Senator Thomas entered the Senate Chamber.

Senator Brater offered the following amendments:

1. Amend page 3, line 19, after "**MEANS**" by striking out "**EITHER**" and inserting "**ANY**".
2. Amend page 3, following line 25, by inserting:

**"(iii) FUNCTIONALLY IMPAIRING OTHER BIOLOGICAL COMMUNITIES, IF THE INDICATOR SPECIES OR METHOD OF IDENTIFYING THOSE BIOLOGICAL COMMUNITIES HAS BEEN IDENTIFIED THROUGH ADMINISTRATIVE RULES."**

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 678**

**Yeas—16**

Basham  
Bernero  
Brater  
Cherry

Clark-Coleman  
Clarke  
Emerson  
Jacobs

Leland  
Olshove  
Patterson  
Prusi

Schauer  
Switalski  
Thomas  
Toy

**Nays—20**

Allen  
Barcia  
Birkholz  
Bishop  
Brown

Cassis  
Cropsey  
Garcia  
George  
Gilbert

Goschka  
Hammerstrom  
Hardiman  
Jelinek  
Kuipers

McManus  
Sanborn  
Sikkema  
Stamas  
Van Woerkom

**Excused—2**

Johnson

Scott

**Not Voting—0**

In The Chair: President

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. 679****Yeas—36**

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

**Nays—0****Excused—2**

Johnson	Scott
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**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. 851, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

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. 680****Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	Emerson	Kuipers	Stamas
Bishop	Garcia	Leland	Switalski

Brater  
Brown  
Cassis

George  
Gilbert  
Goschka

McManus  
Olshove  
Patterson

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—2**

Johnson

Scott

**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. 852, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705 and 32708 (MCL 324.32705 and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 5, line 27, by striking out all of section **32708A** and inserting:

**"SEC. 32708A. (1) WITHIN 24 MONTHS OF THE DATE OF THIS AMENDATORY ACT, EACH WATER USERS' SECTOR SHALL DESIGN AND ADOPT GUIDELINES FOR GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES WITHIN THAT SECTOR. SUCH GUIDELINES SHALL BE ADOPTED BY AN ESTABLISHED STATEWIDE PROFESSIONAL OR TRADE ASSOCIATION REPRESENTING THAT SECTOR. THE DEPARTMENT SHALL REVIEW AND ACCEPT THOSE GUIDELINES IF THEY ESTABLISHED REASONABLY DETAILED CRITERIA FOR DETERMINING WHETHER WATER IS BEING USED IN AN EFFICIENT MANNER BY AN INDIVIDUAL FACILITY. IF A SECTOR DOES NOT PREPARE ACCEPTABLE GUIDELINES FOR GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES, THE DEPARTMENT SHALL ESTABLISH, BY RULE OR GUIDELINE, GENERALLY ACCEPTED MANAGEMENT PRACTICES FOR THAT SECTOR. THE PROFESSIONAL ORGANIZATION, TRADE ASSOCIATION, OR THE DEPARTMENT SHALL REVIEW THESE GUIDELINES AT LEAST EVERY 5 YEARS TO DETERMINE WHETHER THE RULES SHOULD BE UPDATED.**

**(2) EVERY REGISTERED USER UNDER SECTION 32705 SHALL CERTIFY THAT THE REGISTRANT IS UTILIZING GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES FOR THEIR SECTOR AS PROVIDED BY RULE OR GUIDELINE AUTHORIZED BY THE DEPARTMENT.**

**(3) COMPLIANCE WITH GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES DOES NOT AUTHORIZE A WATER WITHDRAWAL THAT IS OTHERWISE PROHIBITED BY LAW.**

**(4) "GENERALLY ACCEPTED WATER MANAGEMENT PRACTICES" MEANS STANDARDS OR GUIDELINES FOR WATER USE THAT INSURE WATER IS USED EFFICIENTLY. SUCH STANDARDS SHOULD INCLUDE BOTH BENEFICIAL REDUCTION IN WATER LOSS, WASTE AND IMPROVEMENT IN WATER EFFICIENCY MEASURES."**

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

Senator Schauer requested the yeas and nays.

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

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

**Roll Call No. 681**

**Yeas—18**

Barcia  
Basham

Clark-Coleman  
Clarke

Olshove  
Patterson

Switalski  
Thomas

Bernero  
Brater  
Cherry

Emerson  
Jacobs  
Leland

Prusi  
Schauer

Toy  
Van Woerkom

**Nays—18**

Allen  
Birkholz  
Bishop  
Brown  
Cassis

Cropsey  
Garcia  
George  
Gilbert  
Goschka

Hammerstrom  
Hardiman  
Jelinek  
Kuipers

McManus  
Sanborn  
Sikkema  
Stamas

**Excused—2**

Johnson

Scott

**Not Voting—0**

In The Chair: President

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. 682****Yeas—36**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka

Hammerstrom  
Hardiman  
Jacobs  
Jelinek  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0****Excused—2**

Johnson

Scott

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

Colleagues, as we pass this important package of water protections today, I'd like to first say thank you to all the incredible input that we have received from citizens across the state of Michigan. They are our most effective environmental stewards, and they have been very much a part of this process. The people of this state have taken a significant amount of time and spent a lot of energy to talk to members of the committee, to come to our hearings, and to talk about water protection and help us understand it better. During the public hearings that we have held across this state, it became apparent to all of us that we needed to fashion a package of bills that will both protect our waters and continue to make our waters accessible to those who depend upon them. And I also want to say thank you to all of the committee members who joined us as we went across this state and to several colleagues who, although not members of the committee, joined us and sat through our very long hearings and helped us learn too.

Protecting our waters, protecting their use is a bipartisan package of five bills. These bills represent a collective effort to safeguard our waters. They provide significant new protections for Michigan's lakes, rivers, and streams. The bills' most important features will allow us to safeguard our water-dependent natural resources through the use of a biological-based assessment tool that evaluates water use for its impact. We will then apply a new independent standard to guard against large-scale withdrawals from our Great Lakes and provide for a new process that allows water users to voluntarily—please note voluntarily—adjust water use and practices to avoid adverse resource impacts.

We also provide the DEQ with new order authority, in the event of an extraordinary, substantial and imminent danger to an adverse impact, to temporarily restrict the permit and the withdrawals of those permit holders. In addition, existing withdrawals will continue to be evaluated under the legal standards in place at this time.

Finally, there is an assurance that existing legal protections, including those afforded by the Michigan environmental protection act, will continue to apply to all water withdrawals, so that any person in Michigan will be able to bring legal action against a withdrawal that threatens our natural resources. This package of bills represents over 100 hours of public testimony and public workgroups and accurately depicts the sentiments of the vast majority of Michigan citizens who demand wise and sound water protections.

Ladies and gentlemen, Michigan's inland waters and the surrounding Great Lakes are too precious to be ignored, thus, these new policies will help those who use our water do so in a way that is both environmentally friendly and economically sound. Many of Michigan's job providers—farmers, manufacturers, and utilities, for example—rely on water in day-to-day operations. This legislation will allow them to remain a vital component of Michigan's economy and Michigan's future. I am proud to be a supporter of this package and look forward to its enactment and implementation.

Senator Brater's statement is as follows:

Mr. President, I would like to add the minority vice chair's point of view about these bills just to balance the perspective. I am very pleased that all of the work over the past months has allowed us to reach this degree of consensus. I did emphasize in committee that I regard this package as well-improved over the point that the bill started out at. There was a lot of give and take, and it is wonderful how much the citizens of Michigan were able to participate in this process because of their deep and passionate beliefs that the Great Lakes and the inland lakes and streams of Michigan need to be protected.

When I say these bills are an important first step, I think we need to be clear that that's what they are. And I'm just cautioning people that they're good bills that for the most part are an improvement over current law. I want to emphasize that we need to continue to work on this issue. We are still lacking a state-based protection from diversions from the Great Lakes, and the bills are not going as far as I'd like them to go in terms of protecting, without discrimination, all the lakes and streams of the state of Michigan.

So I think we've got to keep an eye on these bills as they go through the House. I'm very grateful for the work of all the environmental groups that work so hard to educate the citizens, although the citizens of Michigan certainly have an instinct for doing the right thing when it comes to protecting the Great Lakes and their tributaries and inland lakes and streams.

I also would like to thank again the Governor of the state of Michigan, Governor Jennifer Granholm, for her leadership in urging us to move forward with this legislation and make sure that we have protections in law for the Great Lakes and inland lakes and streams from excessive withdrawals, which can have the effect of damaging the watershed.

So I thank you for the opportunity to work on these bills. I thank all of my colleagues for all of the attention you've given to the bills over the last two days. I know it's been a long and complicated process. I do also urge your support of the package.

The following bill was read a third time:

**Senate Bill No. 854, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 32725.

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. 683**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson	Scott
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**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. 857, entitled**

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

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. 684**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson

Scott

**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. 5427, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

The question being on the passage of the bill,

Senator Birkholz offered the following amendment:

1. Amend page 1, line 9, by striking out “**JANUARY 31**” and inserting “**FEBRUARY 15**”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 685**

**Yeas—36**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka

Hammerstrom  
Hardiman  
Jacobs  
Jelinek  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—2**

Johnson

Scott

**Not Voting—0**

In The Chair: President



Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**House Bill No. 5438**

**House Bill No. 5439**

**House Bill No. 5440**

**House Bill No. 5441**

**House Bill No. 5442**

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

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 George 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. 181, entitled**

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

**House Bill No. 4993, entitled**

A bill to amend 1986 PA 196, entitled “Public transportation authority act,” by amending section 18 (MCL 124.468).

**House Bill No. 5333, entitled**

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of

same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by repealing sections 3 and 14 (MCL 254.313 and 254.324).

**House Bill No. 5339, entitled**

A bill to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

**House Bill No. 4508, entitled**

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

**House Bill No. 5054, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

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. 519, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1313 and 1314 (MCL 600.1313 and 600.1314), section 1313 as amended by 2004 PA 12.

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. 5145, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11 to chapter IX.

Substitute (S-1).

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

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

**Senate Bill No. 561, entitled**

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 7 (MCL 691.1507), as added by 1987 PA 30.

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  
**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**Senate Bill No. 757**

**House Bill No. 4993**

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

The following bill was read a third time:

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4993, entitled**

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).

The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 3, line 2, after "electors." by striking out the balance of the line through "750,000," on line 4.
2. Amend page 3, line 7, after "**ELECTORS**" by striking out the balance of the subsection.

The question being on the adoption of the amendments,

Senator Brater requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 686**

**Yeas—15**

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

**Nays—21**

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

**Excused—2**

Johnson	Scott
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**Not Voting—0**

In The Chair: President

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. 687****Yeas—20**

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

**Nays—16**

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

**Excused—2**

Johnson	Scott
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**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 authorize the formation of public transportation authorities with certain general powers and duties; to provide for the withdrawal of certain local entities from public transportation authorities; to authorize certain local entities to levy property taxes for public transportation service and public transportation purposes; to protect the rights of employees of existing public transportation systems; to provide for the issuance of bonds and notes; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond or note payment; to provide for the powers and duties of certain state agencies; to validate taxes authorized before July 10, 1986, elections held before July 10, 1986, and bonds and notes issued before July 10, 1986; to provide for transfer of certain tax revenue and certain powers, rights, duties, and obligations; to authorize condemnation proceedings; to grant certain powers to certain local entities; to validate and ratify the organization, existence, and membership of public transportation authorities created before July 10, 1986 and the actions taken by those public transportation authorities and by the members of those public transportation authorities; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

Senator Hammerstrom moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

**Recess**

Senator Hammerstrom moved that the Senate recess until 1:00 p.m.  
The motion prevailed, the time being 12:10 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

**Recess**

Senator Schauer moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:02 p.m.

1:21 p.m.

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

By unanimous consent the Senate returned 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 George as Chairperson.

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

**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

The bill was placed on the order of Third Reading of Bills.

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

**House Bill No. 4540, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

Substitute (S-1).

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

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

**Senate Bill No. 530, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 12 and 13 (MCL 207.782 and 207.783), section 12 as amended by 2004 PA 396.

Substitute (S-2).

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

1. Amend page 4, line 26, after "EXCEED" by inserting "**10% OF THE TOTAL ACREAGE CONTAINED WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENTAL UNIT OR, WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE NEIGHBORHOOD ENTERPRISE ZONE IS LOCATED IF THE COUNTY DOES NOT HAVE AN ELECTED OR APPOINTED COUNTY EXECUTIVE OR WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS AND THE COUNTY EXECUTIVE OF THE COUNTY IN WHICH THE NEIGHBORHOOD ENTERPRISE ZONE IS LOCATED IF THE COUNTY HAS AN ELECTED OR APPOINTED COUNTY EXECUTIVE,**".

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.

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

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 4540**

**Senate Bill No. 529**

**Senate Bill No. 530**

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

The following bill was read a third time:

**House Bill No. 4540, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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. 688**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson                      Scott

**Not Voting—0**

In The Chair: President

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

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

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

"An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,".

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

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. 689**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson	Scott
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**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.  
 The motion did not prevail, 2/3 of the members serving not voting therefor.  
 Senator Hammerstrom moved that the bill be given immediate effect.  
 The question being on the motion to give the bill immediate effect,  
 Senator Hammerstrom moved the further consideration of the bill be postponed temporarily.  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 530, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

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. 690**

**Yeas—35**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer

Basham	Clarke	Jelinek	Sikkema
Bernero	Cropsey	Kuipers	Stamas
Birkholz	Garcia	Leland	Switalski
Bishop	George	McManus	Thomas
Brater	Gilbert	Olshove	Toy
Brown	Goschka	Patterson	Van Woerkom
Cassis	Hammerstrom	Prusi	

**Nays—0**

**Excused—2**

Johnson                      Scott

**Not Voting—1**

Emerson

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

(This bill was passed earlier today and the motion for immediate effect postponed. See p. 2421.)

The question being on the motion to give the bill immediate effect,  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Switalski's statement is as follows:

In the absence of the Senator from the 2nd District, who has made quite a run by coming up every day and talking about insurance reform, I would not want to let the day pass without some statement on insurance rates. So I've come forward to keep that string going, and I would just summarize the issue by saying insurance rates are too high.

Senator Basham's statement is as follows:

I've got good news here. Actually, the good news was printed in the *Chicago Sun-Times* and I'll just read a little of the excerpts from it. Essentially, Chicago aldermen didn't let the smoke get in their eyes when they passed a measure to ban puffing on cigarettes and other tobacco products in almost all indoor places, including restaurants. The compromise they agreed to was clear-sighted and sensitive to the owners of taverns, restaurants, and bars who are worried about the loss of business from the ban of smoking. It gives the taverns and bars a little breathing space of two and a half years to comply with the law.



In addition, no smoking will be allowed in shopping malls, grocery stores, public elevators, buses, trains, cabs, convention facilities, museums, and other office buildings, and many of these places already ban smoking; O'Hare Airport, for example. And still, as smoking in public places is a trend that is sweeping the country—but, of course, not here in Michigan—2,057 municipalities have laws restricting where smokers can light up, including some in New York and California. Almost 200 ban smoking in both bars and restaurants. Even the French, known for their addictive puffing on these smelly guillotines, are beginning to sign on to the idea of cleaner air indoors and now have nonsmoking areas in brasseries and restaurants.

Senator Brater's statement is as follows:

Mr. President and members, earlier today, we voted on the water package and I had intended to make some concluding remarks before final passage of Senate Bill No. 857, which I was not quick enough on the button, so I'd like to make them at this time if I could.

It's basically just to summarize that the water protection legislation that passed today provides new protections for our water-dependent natural resources and, at the same time, upholds the public trust doctrine in the Michigan riparian law. There are improvements that can be made and we will continue to work on this package. There are several ways in which the bills represent real progress in protecting Michigan's water resources, and I think that it's very important to emphasize, as we conclude the Senate portion of the work on these bills, that this was a very important consensus-building process; that we had many diverse groups on-board, including a huge environmental coalition of groups that came together from various points of view. Also the business community and the agriculture community in the state of Michigan all worked together through the workgroups and the committee process to come to this consensus today.

So I think it is a very historic process to see all of these groups working together, and I just wanted to congratulate all of the groups that were involved from the environmental, business, and agriculture communities. I hope to see this move forward in the other chamber.

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:47 p.m.

2:39 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

By unanimous consent the Senate returned 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 Assistant President pro tempore, Senator Sanborn, designated Senator George 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 with a substitute therefor, the following bill:

#### House Bill No. 5438, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

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. 5439, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

Substitute (S-2).

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

1. Amend page 4, line 20, by striking out “8+” and inserting:

**“(6) FOR THE PURPOSES OF DETERMINING THE PAYMENT STANDARD UNDER SUBSECTIONS (4) AND (5), FOR A FAMILY OF 8 OR MORE, THE PAYMENT STANDARD IS INCREASED BY \$79.00 FOR EACH ADDITIONAL FAMILY MEMBER OVER 7.”** and renumbering the remaining subsection.

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. 5440, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57q. 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. 5441, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

Substitute (S-2).

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

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

**House Bill No. 5442, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57o. 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.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

**House Bill No. 5438**

**House Bill No. 5439**

**House Bill No. 5440**

**House Bill No. 5441**

**House Bill No. 5442**

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

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

**House Bill No. 5438**

**House Bill No. 5439**

**House Bill No. 5440**

**House Bill No. 5441**

**House Bill No. 5442**

**Senate Bill No. 757**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5438, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

The question being on the passage of the bill,  
Senator Clark-Coleman offered the following amendment:

1. Amend page 7, line 15, after “**TOTAL.**” by inserting “**NOTHING IN THIS SUBSECTION SHALL PREVENT THE DEPARTMENT FROM PROVIDING ASSISTANCE TO INDIVIDUALS WHO ARE DETERMINED EXEMPT UNDER SECTION 57F(3) OR 56I(1)(C).**”.

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

Senator Schauer requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 691**

**Yeas—22**

Barcia	Clark-Coleman	Patterson	Stamas
Basham	Clarke	Prusi	Switalski
Bernero	Emerson	Sanborn	Thomas
Brater	Jacobs	Schauer	Toy
Brown	Leland	Sikkema	Van Woerkom
Cherry	Olshove		

**Nays—12**

Allen	Cassis	George	Hardiman
Birkholz	Cropsey	Gilbert	Jelinek
Bishop	Garcia	Goschka	McManus

**Excused—2**

Johnson	Scott
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**Not Voting—2**

Hammerstrom	Kuipers
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In The Chair: President

Senator Hammerstrom moved to reconsider the vote by which the amendment was adopted.  
The question being on the motion to reconsider,  
Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

Senator Jacobs offered the following amendment:

1. Amend page 6, line 7, after “**LIFETIME.**” by inserting “**IF THE RECIPIENT IS MEETING ALL THE REQUIREMENTS OUTLINED IN HIS OR HER FAMILY SELF-SUFFICIENCY PLAN, HE OR SHE MAY APPLY TO THE DEPARTMENT FOR AN EXTENSION OF FAMILY INDEPENDENCE ASSISTANCE BENEFITS.**”.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 3:19 p.m.

3:30 p.m.

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

Senator Jacobs offered the following amendment:

1. Amend page 6, line 21, by striking out all of subsection (5) and inserting:

**“(5) THE 48-MONTH ELIGIBILITY PERIOD DESCRIBED IN SUBSECTION (4) APPLIES BEGINNING ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS ENACTED INTO LAW.”.**

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

Senator Jacobs offered the following amendment:

1. Amend page 14, line 19, by striking out all of enacting section 1.

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

Senator Clark-Coleman offered the following amendment:

1. Amend page 6, line 20, after “**TOTAL.**” by inserting “**NOTHING IN THIS SUBSECTION SHALL PREVENT THE DEPARTMENT FROM PROVIDING ASSISTANCE TO INDIVIDUALS WHO ARE DETERMINED TO BE EXEMPT UNDER SECTIONS 57F(3) OR 56I(1)(C).**”.

The amendment was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to consideration of the first amendment offered by Senator Clark-Coleman.

The question being on the motion to reconsider the vote by which the amendment was adopted,

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 692

#### Yeas—21

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

#### Nays—15

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

#### Excused—2

Johnson	Scott
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**Not Voting—0**

In The Chair: President

The question being on the adoption of the amendment,

Senator Hammerstrom requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 693****Yeas—36**

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

**Nays—0****Excused—2**

Johnson	Scott
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**Not Voting—0**

In The Chair: President

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. 694****Yeas—24**

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

**Nays—12**

Basham	Cherry	Emerson	Prusi
Bernero	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Leland	Thomas

**Excused—2**

Johnson

Scott

**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 not concurred in, 2/3 of the members serving not voting therefor. Senator Hammerstrom moved that the bill be given immediate effect. The motion did not prevail, 2/3 of the members serving not voting therefor. Senator Hammerstrom requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The motion prevailed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 695****Yeas—26**

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

**Nays—8**

Basham	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Leland	Thomas

**Excused—2**

Johnson

Scott

**Not Voting—2**

Bernero

Prusi

In The Chair: President

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

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

Senator Jacobs asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' first statement is as follows:

I recognize that there have been a lot of man and woman hours put into this package, and there are a lot of good things in this package of bills. I think this bill is the one bill—sort of the meat and potatoes—that we really have to be taking a look at.

You know, yesterday, when I did my invocation, I did a prayer for children. I'm just going to take an excerpt from it. I said, “We pray for those who never get dessert, who have no safe blanket to drag behind them, who watch their parents watch them die, who can't find any bread to steal, and who don't have any rooms to clean up. We pray for children who want to be carried and for those who must and for those whom we never give up on and for those who don't get a second chance.” It's the second chance part of my message that goes with this amendment. As a state, we need to be very flexible. We don't know always what the economic circumstances are going to be of our state or what plight an individual might have to face. We can't look into the foreseeable future. We don't have a crystal ball. All of us, I think, would be in agreement that 48 months seems like enough, and even an extra 12 months may seem like a lot, but I think we have to give the department some discretion in certain situations, I don't want to have to tie the hands of our overworked staff people in the department. Give them the discretion to help people who might need an extra measure of support. We can do that without ruining the intention of the meat of this bill.

So, basically, what this amendment does is gives the department discretion to go beyond 12 months with additional benefits, so that we're not just bound to 48 months plus an additional 12 months. So I ask you to do this. This is what the administration wants. It's what the administration will sign off on, and I think at the end of the day, we could walk away and feel proud about this package of bills. Without this amendment, we then start to play politics. The kids in this state deserve more. Please check your hearts. Remember those kids we prayed for yesterday.

Senator Jacobs' second statement is as follows:

I plead with this body not to play politics. The Governor was brought up in this discussion here. I have to say, I'm going to read from the Governor's letter, which re-explains what seems to be something that was taken out of context, and to make this perfectly clear where the Governor is on this: “Dear Senator Hardiman, as you continue your discussion on welfare reform, allow me to share my position on these efforts. I believe that time limits are not appropriate for those who are working but have not achieved self-sufficiency, or for those vulnerable populations who have a barrier to employment. Those include, among others, those in poverty, caring for children, those completing training that will lead to secure employment, or those living with a medical condition that prevents employment. In those situations, time limits would simply serve to harm those most in need. I do believe, however, that if there are able-bodied people with no barriers to self-sufficiency currently left in our welfare system, 48 months should be enough time to get back on one's feet. Michigan's welfare system should help individuals gain financial independence so that they can contribute to the growth of Michigan's economy. It should also provide a strong safety net for the state's most vulnerable citizens. I value our dialogue on this issue and look forward to crafting a solution that achieves both of these goals.”

My amendment achieves both of these goals. Let's put partisan politics aside and do what is the right thing. I urge my colleagues to please vote for the Jacobs amendment, and let's not try to paint the Governor into a box for political reasons when we can make some terrific public policy here today.

The following bill was read a third time:

**House Bill No. 5439, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

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. 696**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Johnson	Prusi	Scott
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**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5440, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57q.

The question being on the passage of the bill,



Senator Jacobs offered the following amendment:

- 1. Amend page 2, line 5, after “**STATE.**” by striking out the balance of the subsection.
- The amendment was not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,  
The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 697**

**Yeas—24**

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

**Nays—11**

Basham	Cherry	Emerson	Switalski
Bernero	Clark-Coleman	Jacobs	Thomas
Brater	Clarke	Leland	

**Excused—3**

Johnson	Prusi	Scott
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5441, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 4, line 17, after “**THAN**” by striking out “**24**” and inserting “**3**”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 698**

**Yeas—24**

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

**Nays—11**

Basham	Cherry	Emerson	Switalski
Bernero	Clark-Coleman	Jacobs	Thomas
Brater	Clarke	Leland	

**Excused—3**

Johnson	Prusi	Scott
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**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5442, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57o.

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. 699**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Johnson	Prusi	Scott
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was announced:

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

(This bill was read a third time earlier today and consideration postponed. See p. 2417.)

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. 700**

**Yeas—35**

Allen	Cherry	Hammerstrom	Sanborn
Barcia	Clark-Coleman	Hardiman	Schauer

Basham	Clarke	Jacobs	Sikkema
Bernero	Cropsey	Jelinek	Stamas
Birkholz	Emerson	Kuipers	Switalski
Bishop	Garcia	Leland	Thomas
Brater	George	McManus	Toy
Brown	Gilbert	Olshove	Van Woerkom
Cassis	Goschka	Patterson	

**Nays—0**

**Excused—3**

Johnson	Prusi	Scott
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**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

The Associate President pro tempore, Senator Barcia, assumed the Chair.

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

Senator Allen introduced  
**Senate Bill No. 927, entitled**

A bill to amend 1959 PA 241, entitled “An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending the title and section 2 (MCL 429.112).

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

Senator Allen introduced  
**Senate Bill No. 928, entitled**

A bill to amend 1959 PA 241, entitled “An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof,” by amending section 3 (MCL 429.113).

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

Senators Brater, Bernero, Jacobs, Clarke, Thomas, Scott, Emerson and Leland introduced  
**Senate Bill No. 929, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

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

Senators Bernero, Jacobs, Clarke, Thomas, Scott, Leland, Brater and Emerson introduced

**Senate Bill No. 930, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Senators Bernero, Toy, Patterson, Cropsey, Leland, Switalski, Basham and Cherry introduced

**Senate Bill No. 931, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183), as amended by 2004 PA 122.

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

**House Bill No. 4460, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending the title and section 19 (MCL 29.19), the title as amended by 1984 PA 314 and section 19 as amended by 1998 PA 45.

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 Education.

**House Bill No. 4721, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

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 Judiciary.

**House Bill No. 4756, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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 Transportation.

**House Bill No. 4982, entitled**

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

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5061, entitled**

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA 50, and by adding section 11a.

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 Commerce and Labor.

**House Bill No. 5144, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40120.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5239, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28a (MCL 421.28a), as amended by 1994 PA 162.

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 Commerce and Labor.

**House Bill No. 5270, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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 Judiciary.

**House Bill No. 5364, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105, and by adding section 27e.

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 Finance.

**House Bill No. 5418, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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. 5459, entitled**

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

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5460, entitled**

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

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5461, entitled**

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

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5471, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 13, and 15 (MCL 125.2652, 125.2663, and 125.2665), as amended by 2005 PA 101.

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 Commerce and Labor.

**House Bill No. 5480, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 9 (MCL 207.629), as amended by 2004 PA 386.

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.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**Committee Reports**

The Committee on Natural Resources and Environmental Affairs reported

**Senate Resolution No. 43.**

A resolution to memorialize the Congress of the United States to enact H.R. 593 to provide the states with authority to regulate the flow and importation of solid waste from outside the country.

(For text of resolution, see Senate Journal No. 59, p. 944.)

With the recommendation that the resolution be adopted.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Finance reported

**House Bill No. 4540, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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.

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 529, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 530, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 12 and 13 (MCL 207.782 and 207.783), section 12 as amended by 2004 PA 396.

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.

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, Thomas 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 Finance submitted the following:

Meeting held on Wednesday, December 7, 2005, at 1:25 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

The Committee on Families and Human Services reported

**House Bill No. 5438, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

With the recommendation that the bill pass.

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

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: Senators Jacobs and Clark-Coleman

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 5439, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs 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 Families and Human Services reported

**House Bill No. 5440, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57q.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 2, line 11, by striking out all of enacting section 1.

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

Bill Hardiman  
Chairperson



**To Report Out:**

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 5441, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

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.

Bill Hardiman  
Chairperson

**To Report Out:**

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 5442, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57o.

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.

Bill Hardiman  
Chairperson

**To Report Out:**

Yeas: Senators Hardiman, Hammerstrom and Sanborn

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 Families and Human Services submitted the following:

Meeting held on Thursday, December 8, 2005, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

**COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, December 6, 2005, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Olshove

**COMMITTEE ATTENDANCE REPORT**

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, December 7, 2005, at 3:00 p.m., Room H-252, Capitol Building

Present: Senators Hammerstrom and Leland

**Scheduled Meetings**

**Judiciary** - Tuesday, December 13, 8:30 a.m., Room 210, Farnum Building (373-3760)

**Transportation** - Tuesday, December 13, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 4:21 p.m.

The Associate President pro tempore, Senator Barcia, declared the Senate adjourned until Tuesday, December 13, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate