

No. 111
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, December 13, 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—present
Kuipers—present
Leland—present
McManus—present

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

Pastor Gene Los of Jamestown Christian Reformed Church of Hudsonville offered the following invocation:

Father God, we certainly give thanks that we may be gathered together this morning to begin another session here in the Senate. We're grateful, God, for the season of the year, upon which we have come; a season that speaks about peace and goodwill and love and joy. We're grateful for all of the ways in which this can also be demonstrated.

We pray especially now that You will remember this Senate not only today, but each day of their activities here or in their home districts. We pray, Father, a blessing upon them. We give thanks for them. We give thanks for their willingness to be involved in this type of service, but we pray now that You will bless their efforts today and throughout their careers.

We ask that You'll especially remember our state. How we give thanks for it. How we give thanks for all of the wonderful gifts and blessings that we may enjoy in this wonderful state. But we pray also for guidance and care for these people as they help with so many challenges and so many critical things that come to their attention.

We also pray for the many families who are involved with their service—men and women; those who are involved in so many activities in the service abroad or home. We pray that You will give comfort also for all those who have been mourning because of the loss of their loved ones.

And now we pray that You will bless this group and session today and throughout the season. We ask it in the name of our Lord. Amen.

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

Motions and Communications

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Allen 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 10:06 a.m.

10:16 a.m.

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

During the recess, Senator Allen introduced the St. Francis High School Football Team, 2005 Division 7 State Champions, and Head Coach Josh Sellers; and the Kingsley High School Football Team, 2005 Division 6 State Champions, and Head Coach Tim Wooer, and presented both teams with a Special Tribute.

Senator McManus and Representative Walker responded briefly.

During the recess, Senators Bernero, Sikkema and Brown entered the Senate Chamber.

The following communication was received:
Joint Committee on Administrative Rules

December 7, 2005

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set: Department of Labor and Economic Growth—Liquor Control Commission—Licensing Qualifications (2005-005 LG).

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,

Representative Jim Marleau
Chair

Senator Michael Bishop
Alternate Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:
Meeting held on Wednesday, December 7, 2005, at 9:00 a.m., Room 405, Capitol Building
Present: Senators Bishop (C), Jelinek and Kuipers
Excused: Senators Thomas and Barcia

The following communication was received:
Office of the Auditor General

December 8, 2005

Enclosed is a copy of the following audit report:
Financial audit, including the provisions of the Single Audit Act, of the Department of Human Services for the period October 1, 2002 through September 30, 2004.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

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

House Bill Nos. 4074 5436 5452

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

Senate Bill Nos. 924 925 926
House Bill Nos. 5484 5485 5486 5487 5488 5489

The Secretary announced that the following official bills were printed on Friday, December 9, and are available at the legislative website:

House Bill Nos. 5490 5491 5492 5493 5494

The Secretary announced that the following official bills were printed on Monday, December 12, and are available at the legislative website:

Senate Bill Nos. 927 928 929 930 931

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 the Committee on Government Operations be discharged from further consideration of the following appointment:

Michigan Strategic Fund Board of Directors

Mr. Richard E. Rassel, Jr., of 1595 Fairfax Road, Birmingham, Michigan 48009, county of Oakland, succeeding Gregory C. Burkart, who has resigned, representing the private sector, for a term commencing October 14, 2005 and expiring December 31, 2005.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

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. 5270

House Bill No. 5397

House Bill No. 5353

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

Messages from the Governor

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

Senate Bill No. 272

Senate Bill No. 271

Senate Bill No. 264

Senate Bill No. 274

Senate Bill No. 281

Senate Bill No. 175

The motion prevailed.

Michigan Strategic Fund Board of Directors

Mr. Richard E. Rassel, Jr., of 1595 Fairfax Road, Birmingham, Michigan 48009, county of Oakland, succeeding Gregory C. Burkart, who has resigned, representing the private sector, for a term commencing October 14, 2005 and expiring December 31, 2005.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 701

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Allen

Emerson

In The Chair: President

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

The motion prevailed.

Senator Garcia’s statement is as follows:

I rise in support of the appointment of Mr. Richard Rassel to the Michigan Strategic Fund Board of Directors. As you recall, this Legislature and the Governor recently cooperated and signed into law the 21st Century Jobs program, which included the perspicacity we needed to make some changes to the Michigan Strategic Fund Board of Directors, and Mr. Rassel was nominated by the Governor.

Let me just say that he’s been the chairman and CEO of Butzel Long, a law firm, for more than a decade. He has spent most of his career as a litigator. His firm has a very large and broad practice, including intellectual property, technology, and business start-up formation and business litigation. It’s a specific area that they focus on, as well as life science. His firm has offices in Detroit, Florida, Washington, D.C., Holland, and around the world—Holland, Michigan, that would be. He’s also a trustee of Beaumont Hospital.

One of the things that impressed me about Mr. Rassel, as we listened to him in committee, was the fact that his primary focus as a member of the board of directors would be to ensure that jobs are produced, or that at least the climate is set for jobs to be produced here in the state of Michigan. He’s been choosing projects on the merit that fit within the legislative priorities that we have passed here in this body. He sees that the economic diversification program is a step in the right direction to create what he calls some buzz or some excitement in terms of investment to Michigan.

So I wholeheartedly endorse the nomination of Mr. Richard Rassel and hope that this body will concur.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 5200

Senate Bill No. 181

House Bill No. 5333

House Bill No. 5339

Senate Bill No. 519

House Bill No. 5145

Senate Bill No. 561

House Bill No. 5054

The motion prevailed.

The following bill was read a third time:

House Bill No. 5200, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

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. 702

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator George offered the following amendment:

1. Amend page 1, line 2, after “of” by striking out “state” and inserting “history, arts, and libraries”.

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. 703

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 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).

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. 704

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

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.

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. 705

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 519, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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. 706

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5145, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 1/ to chapter IX.

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. 707

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 708

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 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 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. 709

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

House Bill No. 4508

The motion prevailed.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Patterson offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

Roll Call No. 710**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Thomas

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 planning, mitigation, response, and recovery from natural and human-made disaster within this state; to create the Michigan emergency management advisory council and prescribe its powers and duties; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe immunities and liabilities; to provide for the acceptance of gifts; to repeal certain acts and parts of acts; and to repeal certain parts of the act.”

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 bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 877

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 10:46 a.m.

11:14 a.m.

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

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 Kuipers 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:

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

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

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

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Substitute (S-3).

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

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

Senate Bill No. 621, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173 (MCL 333.20173), as added by 2002 PA 303.

Substitute (S-5).

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

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

Senate Bill No. 622, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34a (MCL 400.734a), as added by 2004 PA 59.

Substitute (S-5).

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

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

House Bill No. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," (MCL 492.101 to 492.141) by adding section 13a.

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

1. Amend page 1, line 3, after "ANY" by striking out the balance of the line through "CONTRACT" on line 4 and inserting "INDEBTEDNESS".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 877, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

Substitute (S-2).

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

1. Amend page 4, following line 2, by inserting:

“Enacting section 1. This act does not take effect unless House Bill No. 4108 of the 93rd Legislature is enacted into law.”.

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. 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).

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. 5397, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

Substitute (S-1).

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

1. Amend page 8, line 24, after “zone” by inserting “**OTHER THAN AN ATTORNEY WHO INITIATES OR MAINTAINS CONTACT WITH A MINOR WHO IS HIS OR HER CLIENT SOLELY WITHIN THE CONTEXT OF AN ATTORNEY-CLIENT RELATIONSHIP**”.

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. 4655

House Bill No. 4818

House Bill No. 4817

Senate Bill No. 621

Senate Bill No. 622

House Bill No. 5353

Senate Bill No. 877

House Bill No. 5270

House Bill No. 5397

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

The following bill was read a third time:

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 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. 711**Yeas—38**

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

Nays—0**Excused—0****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 consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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. 712**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

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. 713

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 621, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 10, line 22, after “**BOTH**” by inserting a comma and “**AND MAY BE SUBJECT TO CIVIL LIABILITY FOR PERSONAL INJURY OR DEATH OF ANOTHER RESIDENT CAUSED BY AN INDIVIDUAL EMPLOYED, INDEPENDENTLY CONTRACTED WITH, OR GRANTED CLINICAL PRIVILEGES WITHIN A HEALTH FACILITY OR AGENCY WHO WOULD HAVE BEEN TERMINATED OR DENIED EMPLOYMENT IF THE LICENSEE, OWNER, ADMINISTRATOR, OR OPERATOR OF THAT FACILITY WOULD HAVE CONDUCTED THE CRIMINAL HISTORY CHECK AS REQUIRED UNDER THIS SECTION**”.

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

Senator Hammerstrom moved to reconsider the vote by which the amendment adopted.

The question being on the motion to reconsider,

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

The motion prevailed.

Senators Birkholz, Schauer, Jacobs, Hammerstrom, Bernero and Emerson 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:

I would like to thank my colleagues for support of this bill on General Orders, and I would also encourage them to vote for this bill, now on Third Reading. This bill is the next step in protecting our most vulnerable; those who are in nursing homes, home health agencies, and the homes for the aged. It enhances the criminal background check for employees, independent contractors, and individuals who are granted clinical privileges in these facilities. It expands the crimes covered by the statute to expand them to the type of facilities that must conduct criminal background checks—including drug misdemeanors—and requires the creation of an automated fingerprint identification system to track future offenses and strengthen sanctions.

So we are not only being reactive with this legislation, we are being proactive and making sure that our most vulnerable are given the care they need and desire and the care that makes their families more comfortable. I urge your support of this legislation.

Senator Schauer’s statement is as follows:

Colleagues, I would ask for your attention just for a moment as the Senate Democratic Caucus bids farewell to a long-time friend of all of ours; the best employee/friend that any of us could have here in our role or in life. Gary Garbarino has been lured away by our Governor and has accepted the position as policy director with Governor Jennifer Granholm. I am joined here not only by short-timer Garbarino, but by a couple of his former bosses, Senator Jacobs, former Representative Pat Gagliardi, and of course, we have our leader here, Bob Emerson.

I want to acknowledge before I forget, Gary’s incredible wife, Laura Appel, in the west Gallery, wonderful friend, Nancy Bohnet, and Joanne Sheldon, another very good friend. Gary came into the Legislature in 1984 to work here with the Senate Democrats as staff economist and served as policy director here before moving to the House, where he became chief of staff; before then, Majority Floor Leader Gagliardi before he became Co-Floor Leader Gagliardi and then Minority Floor Leader Gagliardi and then back to the majority again. Gary also served as deputy chief of staff for Minority Leader Mike Hanley, as well as policy director there; chief of staff for Minority Floor Leader, Gilda Jacobs, as well as deputy chief of staff, and then, of course, his work for us here in our caucus.

Gary is—I wrote down—many adjectives, and I guess I'll try to simplify it and say that he is just a rare human being. He is warm. He is compassionate. He is smarter than I am and just an incredibly dedicated and committed public servant.

Gary, it's an understatement to say that we will miss you. We value you as a friend, as a colleague, and we love you very much as a person. And as a small token, this is so you remember all 38 of us. This has all of our names autographed on here. It's a state seal, and I know many more things will be coming to you. Gary, thank you very much.

Senator Jacobs' statement is as follows:

Thank you, Senator Schauer, who did a wonderful job listing the wonderful attributes that Gary has. But I just want the administration to know that before we hired Gary, we made him take a test. It was a baking test. He passed, so he will be making lots of things over the weekend, right Laura? Cakes, brownies, malt drinks and should be required to bring them in as part of his job description.

Gary, from the bottom of my heart, I mean, we are going to miss you. You are really one of a kind, and I feel so honored that I had you for part of your life here in the Legislature.

Senator Hammerstrom's statement is as follows:

I'd like to take a point of personal privilege and also wish Gary the very best. I've had the opportunity to work with him both in the House and in the Senate, and he has just been wonderful to work with as a member of the minority party; and working with my staff in putting together the sessions for the day and letting us know what's going in their caucus and getting along with my staff. They actually get along with him too. So it's been kind of great to have this working relationship, and we're going to miss that, Gary, so I hope that you're going to train your predecessor how to deal and do the things the way you do.

Senator Bernero's statement is as follows:

Well, since Gary's leaving, I am too. I can see I'll be missed.

You've got some cookies. You should have a cookie at your desk and there's milk in the back room, in the cloak room. The cookies were baked by my better half, my lovely wife Teri, in honor of this, my last session day.

When I first came to this chamber three years ago, many of you thought, "What a brash, obnoxious, pushy little S.O.B." Now, three years later, you know it.

I just want to say thank you from the bottom of my heart. You have taught me. You have tolerated me. You have accepted me. You have honored me. You've honored me most not by voting with me, but by listening to me.

I tried to speak in this chamber only when I had something to say, but I'm sure I talked too much. Thank you for never making me feel like an imposition. That goes double for the Democrats, who may have had to hear me twice on those rare occasions when I was in caucus. And thank you, Senator Patterson, for making sure that I took time to listen as well. I've learned from each of you. My respect and admiration for each of you has only grown. You are good and decent people, as much on one side of the aisle as the other. I am privileged to have been able to call each of you "colleague." To each of you, I say thank you for the courtesies you extended, large and small. Thank you for knowing just the right word at just the right time. For that call you didn't have to place, Senator Brown, thank you. For your patience, your generosity, for your kindness of both you and your staff, the kindness that you and your staff have consistently demonstrated, thank you.

The staff here is phenomenal. They are grace under fire. From the Secretary of the Senate to the sergeants to the pages, the support we get is outstanding. A note of special thanks to the Democratic Staff, who unflinchingly gave excellent advice to a certain hurried Senator, often arriving late or leaving early.

Without these vital staff people, our work would grind to a halt. And the staff, they're the ones who remember, even if I forget, that a visit to the Capitol is a special occasion for many of our visitors. Thank you. Shortly, I would like to present my staff to you for the last time, as they will be going with me to City Hall.

Some people say that I was never cut out to be a legislator. They say that I am Type A. They say that I am uncompromising. They say that I am a demanding task master. I say, it worked for Senator Sikkema.

I want to say, really, to each of you it has been a real treat to get to know you. I am grateful that you put up with me. Specifically, I have to say thank you to my brother-in-arms, in many respects, Tom George for his leadership in advocacy and work with me on mental health; to Laura Toy for her work and help on veterans and disabilities issues; and to our Majority Floor Leader, Bev Hammerstrom, your leadership and your help on children's nutrition and schools issue, which I know will not go unattended in my absence. Thank you so much for your leadership.

I hope to be a mayor whom you will be proud to say once served alongside you. I hope that you will lose my number when you don't like the snowplowing. Serving alongside you in the Michigan Senate will be among my most cherished memories, but now I've got to go across the street. And I hope it stops snowing so I can get there because with a \$10 million budget deficit, you may have seen the last of snowplowing in these parts.

And now I'd like to bring up my staff. These folks, some of whom you may have worked with, but you won't be able to anymore because I am taking them all with me over to City Hall. My chief of staff, Randy Hannan, and my office

manager, Renee Freeman, and my legislative assistant, Joe McDonald. They have supported me from the beginning and I just couldn't do the work without them. You know, my colleagues, that you are only as good as the staff that surround you and support you and that is true in my case. So whatever good has happened, I attribute to them. Whatever mistakes, I take the blame for. I don't have to hug them good-bye because they are coming with me.

You've tasted her baked goods over the years and have come to know her. It is my privilege to also present to you the new First Lady of Lansing, Teri Bernero. I can kiss her later, too, but I still had to sneak one in.

Now I wanted to leave on a lighter note and tell you I thought about this last night. I wanted to leave with you the top 10 things I'll miss about the Senate:

10. Watching the staff get thrown off the floor for unruly behavior. And thank you, Mr. Lieutenant Governor, for paying attention to these things.

9. You have to think about this, those of you who have been in local government. Having the gallery so far away.

8. The Michigan apples. Thank you, Senator Allen. We'll not be that far away, you know.

7. The lobbyists.

6. Dirty looks from sergeants for even looking at my cell phone.

5. Watching the kids' eyes grow big when they learn it is their Senator who is trying to take away the junk food.

4. Explaining to some constituents that, no, I don't work in Washington. After all, you have the title "Senator," you must be going to Washington.

3. All those state champions.

2. Signing those darned state seals.

And the No. 1 thing I'll miss about the Senate: caucus. I miss it now, so I'm sure I'll miss it later.

Senator Emerson's statement is as follows:

I was actually hoping to wait until the end of the day to say good-bye to the Mayor-elect of Lansing, but since he chose to speak now—I was hoping to wait just so I could keep him honest most of the rest of the day before I said something nice about him. But I just want you to know that the caucus will miss you just as much as you've missed the caucus.

Actually, we do appreciate the fact he has served and served well here for the last three years. He's been a tireless advocate for the mentally ill and the disabled, and we will miss that voice, even though there are others who espouse that issue as well. But he has certainly been a tireless fighter for those whom we consider the most needy, and we know that he will do a great job here in the city of Lansing. I hope along with the snowplowing, we won't be seeing those meter maids nearly as often.

I can't tell you what a pleasure it's been to serve with you. I know that we look forward to your good tenure over across the street and hope that we can be more helpful to the city of Lansing than we have been in the past. Mr. Mayor, congratulations.

The following bill was read a third time:

Senate Bill No. 622, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding sections 34b and 34c; and to repeal acts and parts of acts.

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. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," (MCL 492.101 to 492.141) by adding section 13a.

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. 714

Yeas—38

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Jacobs
Jelinek
Johnson

Sanborn
Schauer
Scott

Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 877, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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. 715

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5270, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 233, 234, 234a, 234b, 235, and 329 (MCL 750.233, 750.234, 750.234a, 750.234b, 750.235, and 750.329), section 234a as amended by 1996 PA 163 and section 234b as amended by 1992 PA 218.

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. 716

Yeas—32

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

Nays—6

Brater	Clarke	Scott	Thomas
Clark-Coleman	Leland		

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing

at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121.

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. 717

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 785, entitled

A bill to amend 2004 PA 241, entitled “Michigan children’s protection registry act,” by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

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 2004 PA 241, entitled “An act to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has access; to

prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies,” by amending sections 1 and 5 (MCL 752.1061 and 752.1065).

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 718

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 829, entitled

A bill to amend 1966 PA 13, entitled “An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities,” by repealing section 9 (MCL 254.369).

The House of Representatives has passed the bill by a 2/3 vote and ordered that the bill be given immediate effect.

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

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

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

Senate Bill No. 830, entitled

A bill to amend 1965 PA 380, entitled “Executive organization act of 1965,” by amending section 357 (MCL 16.457).

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.

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. 719

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 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.

(For text of amendment, see Senate Journal No. 110, p. 2402)

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

Roll Call No. 720**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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.

The question being on the adoption of the resolution,
 The resolution was adopted.

Senators Cropsey, Garcia, Allen, McManus, Van Woerkom, Stamas, Bishop, Barcia, Prusi, Sanborn, Cassis, Goschka, George, Jelinek, Hardiman, Brown, Birkholz, Toy, Gilbert, Hammerstrom, Kuipers, Patterson and Sikkema offered the following resolution:

Senate Resolution No. 89.

A resolution proclaiming and celebrating that the tree that adorns the Capitol lawn will be known as the Michigan Christmas Tree.

Whereas, Michigan is among the top three states in Christmas trees grown; and

Whereas, Michigan Christmas trees can be found in the homes of Michigan families statewide and are also shipped across the U.S. and in several foreign countries; and

Whereas, Michigan supplies more than 20 percent of the national market, with more than 2 million trees sold each year; and

Whereas, Michigan Christmas tree producers plant approximately 1.5 million new tree seedlings every spring; and

Whereas, There are more than 50,000 acres of Christmas trees in commercial Christmas tree production; and

Whereas, More than 800 growers and many more part-time, seasonal workers earn their living in the Christmas tree industry; and

Whereas, Thanks to the diverse soils in our state and our proximity to the Great Lakes, Michigan's environmental conditions help Christmas trees grow rapidly; and

Whereas, Excellent quality and variety give Michigan Christmas trees the reputation for excellent needle retention and freshness throughout the season; and

Whereas, Michigan's Christmas tree industry is significant to our agriculture heritage and family traditions; and

Whereas, Christmas trees also play an important role in environmentally-friendly land use and farmland preservation; now, therefore, be it

Resolved by the Senate, That the special role of the Christmas tree in Michigan be duly noted and celebrated; and be it further

Resolved, That the tree prominently displayed outside the Michigan Capitol late each year be officially designated the CHRISTMAS tree to properly symbolize the cherished event being observed; and be it further

Resolved, That from this day forward, the tree and its graceful branches that adorn the Capitol lawn will be known as the Michigan Christmas Tree.

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

Senator Hammerstrom moved that the rule be suspended.

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

The resolution was adopted.

Senator Switalski was named co-sponsor of the resolution.

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

The motion prevailed.

Senator Brater's first statement is as follows:

I rise because I don't really think this resolution merits commentary on the Senate floor, but I rise because in the past when I have failed to comment on things like this, I have heard from my constituents who are watching at home and are deeply offended and say, "Why didn't anybody stand up and say something?" So I do think that it needs to be said that I think it's very unfortunate to ascribe motives to people of being anti-holiday when they are seeking diversity for recognition—that the people of the state of Michigan recognize many different holidays at this time of year, as throughout the year.

We celebrate the diversity of this great state through the richness of all the different cultures and traditions that make up the beautiful fabric which is the population of the state of Michigan. So it's with great sadness that I've had to stand up and say that I really don't think this resolution really merits a vote of this body, and I'm very sad that it's before us today.

Senator Cropsey's first statement is as follows:

This resolution would restore the Michigan tradition that has been around for a long time: calling the decorated tree in front of the Capitol the "Michigan Christmas Tree." There are 10 reasons why I believe you should vote for this:

The first reason is Christmas has been a part of our national fabric, starting with Washington's Christmas message to the Continental Army in 1776, going all the way down to the present day to our men and women who are fighting to maintain freedom in Iraq and Afghanistan today. Everyone's been calling it Christmas for a long time. A 2000 Gallup poll found that 96 percent of all Americans celebrate Christmas.

Second reason is that Christmas is important to our country and to Americans. A 2004 *Newsweek* poll shows 70 percent of Americans believe in the virgin birth of Christ and that 67 percent of all Americans affirm as historically accurate the entire Christmas story. A 2003 Gallup poll found that 3 out of 4 Americans say there is not enough emphasis on the religious basis for the holiday.

Thirdly, this holiday is called Christmas by almost everyone. According to *The Detroit News* of December 9, 2005, 96 percent of Americans celebrate Christmas.

Fourthly, Christmas is legal. The U.S. Supreme Court has not outlawed Christmas pageants, Christmas parades, Christmas nativity scenes, Christmas carols, or Christmas trees. Our Michigan laws have at least 17 references to Christmas trees. You cannot find any reference at all in our Michigan law to holiday trees. Christmas trees are an integral part of our law and should remain so.

Fifthly, Christmas is, in some respects, actually, kind of a patriotic notion. According to a December 4, 2004, Swift poll, and I quote, "Terrorists are less likely than the public at large to celebrate Christmas." Even worse, while in 2003, 13 percent of terrorists identified December 25 as the birthday of Jesus, only 4 percent did so in 2004. Don't give in to terrorism. Call it a Christmas tree.

Sixthly, almost everybody's doing it. According to unscientific polls on the Internet, over 90 percent of people with decorated trees in their house at this time of year call them Christmas trees.

Seventhly, it's divisive to call it a holiday tree. The elitist attack on people of faith is so bad that even some Jewish believers have had to start a group called "Jews Against Anti-Christian Defamation." Keeping in mind that these are

Jews who do not believe in the deity of Jesus Christ, here's what their web page says is their reason for existence. And I quote, "Jews Against Anti-Christian Defamation was organized because we recognize that Christians are the last remaining obstacle to the moral deconstruction of America, because attacks on Christians are motivated by hatred for the values they espouse." Their site then goes on into a defense of using the word "Christmas." People understand that when a government chooses to become divisive and takes a hostile approach to faith, we all suffer.

Eighthly, this is a bipartisan issue. A 2004 Zogby poll says that 27 percent of Americans believe that Santa Claus is a Democrat; 21 percent believe he is an Independent; another 6 percent believe he is a member of the left-wing Green Party; however, 16 percent correctly believe that he is a Republican. How do I know this? As an aside, he wears red, so he must be from a red state. Christmas belongs to all of us.

Ninthly, the message of Christmas is one of reconciliation. In 1914, British and German troops in opposing trenches actually proclaimed a truce, exchanged gifts, and played some games together. On December 24 and December 26, they shot at each other, but December 25 is different. It is Christmas Day. We need more of the Christmas spirit, not more of some elitist holiday greetings.

Finally, the No. 1 reason, because it is Christmas. It's hypocritical to put up a tree because of Christmas, decorate the tree in a traditional Christmas manner, and then attempt to deny that it is not a Christmas tree. If in doubt, ask your kids what the tree is called. We don't put up the tree in March or July. In fact, the tree will come down after Christmas because Christmas will be over. And the Christmas season is a season of peace on Earth, goodwill among men with whom God is well pleased. We need more of the Christmas spirit and we need more of the reason for the season. Let's call it the Christmas tree, which is what it is.

Senator Basham's statement is as follows:

I'd like to congratulate or actually say "Happy Holidays" to my colleague on the far right of this chamber.

In fact, it was President Bush who actually mailed out Christmas cards that said "Happy Holidays." So actually that's what started this whole debate against nationally and now it's being played out here in this chamber.

When we should be up here passing resolutions and legislation dealing with jobs, out-sourcing, the environment, and senior issues, here we are fighting over a Christmas tree or a holiday tree or Hanukkah tree or whatever tree you want to call it—actually it's a blue spruce. And, again, we should be dealing with those things that put people back to work in Michigan.

More people were killed in this world in the name of religion than any other issue, and when you start seeing people of other religions as being secondary or less than or not equal to, there's a reason there's a separation between church and state. And, quite frankly, I think, again, my colleague on the far right of this chamber has found another wedge issue to divide not only this chamber, but the voters in the state of Michigan.

So, you know, we can always find wedge issues if we choose to, but quite frankly we, as a body, should be looking for ways that we can work together and find common interests versus finding wedge issues.

Senator Cropsey's second statement is as follows:

I never dreamed, quite frankly, when we came up with this a few days ago that Christmas would be a subject of controversy. Most of this was written tongue-in-cheek and I thought there would be enough humor around so that much of it would be taken tongue-in-cheek.

However, the tree out front is referred to by most everybody as a Christmas tree. I think a lot of us are concerned when we start having symbols that are called something other than what they are, and saying it's something else, to say, "Do we lose part of ourselves?" I think we do lose part of ourselves. We do lose part of what we try and teach our children. Let me give you an example. Boston's mayor and parks commissioner has yielded to cries from people across the country. Beantown's holiday tree will be called a Christmas tree after all. The Christmas tree is an annual gift from Nova Scotia to thank the people of Boston for their great generosity following the explosion of a munitions ship in Halifax Harbor during World War I. When they heard that the tree would no longer be called a Christmas tree, the Canadian Governor said that he'd rather put the majestic evergreen in the chipper. What was he saying, actually? He was saying when you have a tree at this time of year, it is to show folks you are celebrating a time of Christmas.

What holiday are we talking about when we put the tree up? We're talking about the Christmas holiday. While many of us come from different religious backgrounds, most of us do celebrate Christmas. Some don't. Some celebrate other holidays and those are very important holidays, and we wish them well on their holidays. But to be calling a tree out front a holiday tree, my question is, well, what holiday is the tree for? There is a special reason for that tree. It is a Christmas tree and our laws in the state of Michigan—I believe 17 or 18 times—refers to Christmas tree. We have Christmas tree farms. That's what it refers to. It refers to this time of year.

This was not meant to be offensive toward anybody. If anybody did take offense, I'm truly sorry. It was not meant in that spirit at all. It was meant for that this is a time of good cheer and goodwill for those of us, this holiday, who celebrate Christmas. This is a tremendous time and a tremendous blessing during this year. And that's all we're asking for—when you have it there, call it for what it is. I would hope that no one would have taken offense to that, but that this is a time of good cheer for everyone.

Senator Hardiman's statement is as follows:

I've sat and listened to this debate with some pain because I think that there are those who think that by calling a Christmas tree a Christmas tree, it means that their faith or their group may not be valued. I certainly don't agree and wouldn't want to be a part of that.

I am a person of very strong faith and I believe that's a personal thing. While I don't believe it's my job to push it on anyone else, I don't believe I have to hide it either. But I also respect others for their beliefs and for who they are—for their faith. I had the wonderful opportunity to travel to Israel this year and to look at many of the sights there, as well as do work around economic development and looking at some of the political structures that they have in that wonderful place of Israel, and compare them. But one of the most precious times for me was actually going through the Holocaust Museum with some of my Jewish colleagues. I looked at some of the pictures and felt pain along with them because of what had taken place. I believe it's absolutely wrong to put down a group of people because they are different, and I believe in diversity. But I also believe that if we really do believe in diversity, why do we try to reduce everything to the most common denominator so that it means nothing at all? If a Christmas tree is a Christmas tree, it's a Christmas tree.

I have tried to learn more about some of the Jewish holidays because I think there is value and worth there, and I've stated that even on this floor. I really mean it and I want to learn more. But I don't want someone to take away Christmas, as well, and reduce that. So why can't we have true diversity and respect each other and each other's holidays and not try to reduce it down to the lowest common denominator so that we're all alike and call that diversity.

I think we have to be careful about how we say things because I don't want to put other people down. I don't want to be flippant at the wrong time, but I do believe that we need to be who we are. And so that's why I would support calling a Christmas tree a Christmas tree. And you're right. It's been said we should be talking about other things and I do believe that's true. So let's end the debate and let's do it.

Senator Goschka's statement is as follows:

I rise in support of Senate Resolution No. 89. I have always appreciated the history of our country in that while we have always been distinctly Christian, we have always been inclusive to allow any and all into our country and to practice their faith as they see fit. That is not to the fact that we are a Christian nation per se; is not to the exclusion of anyone else. It's who we are as a country. It's how we started. It's our original beginnings, but having said that, I wouldn't want in any fashion ever to trample on the holy day of any given faith. That's the thing, I think, that needs to be remembered. A holiday is a very banal word really. It's a holy day. We remember, as Christians, those of us who are believers in Christ, the fact that he was born on this Earth, and for many of us, that's when God incarnate became a man. That's a very important day for those who are committed to the Christian faith, and that's not to the exclusion of anyone else. As Senator Hardiman has said, we are who we are. We believe what we believe. We are a Christian nation. That's how we started. And yet, as I say, we have clearly allowed any and all into our borders and that's a wonderful thing. Christmas is a holy day; one that ought to be honored and revered.

I would just like to point out some of the constitutions of various states—how they began their constitutions. In Alabama, 1901, their preamble said, "We, the people of the State of Alabama, ...invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution..." Alaska in 1956 in their preamble: "We, the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land." Arizona in 1911 in their preamble, "We, the people of the state of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution." Arkansas, 1874, in their preamble: "We, the People of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government." California, 1879, in their preamble: "We, the people of the state of California, grateful to Almighty God for our freedom." Colorado, 1876: "We, the people of Colorado, with profound reverence for the Supreme Ruler of the universe." Connecticut, 1818: "The people of Connecticut, acknowledging with gratitude the good providence of God and permitting them to enjoy..." The state of Michigan in 1908 in the preamble: "We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom... establish this constitution."

My point is this: Every single state, in their own individual state constitutions, recognizes God; the existence of God; their gratefulness to God. As a Christian, I could do no less. I agree with the previous speaker. In no way, shape, or form would I want to be a part of trampling upon the holy days of any other faith. I would respect their views. Christmas is Christmas and to somehow change our understanding of a Christmas tree to a holiday tree in many respects might seem trite, but yet, it's very fundamental. What are we as a people? What are we as a country? Who are we? What do we believe? While we certainly respect any and all who have various religious faiths, frankly, I'm proud that I live in a country that, while we are diversified and accept all, we are still uniquely and distinctly a Christian nation.

It is Christmastime. It is a Christmas tree. I don't know what else to call it.

Senator Brater's second statement is as follows:

I do regret having to rise for a second time. I am speaking to the resolution now and not the sub that we had before us earlier. I want to clarify. I think there's a basic misunderstanding among some of the speakers. I have no doubt that

the tree in front of the Capitol is a Christmas tree. That is a Christmas tree. There's no question about it. I don't particularly—I have my own traditions and many of my constituents have their own traditions and what we do in our homes is our own business. It is definitely a cultural tradition at this time of year around this country that the majority of the people in this country celebrate Christmas, and that is the dominant value at this time of year. There is no question in my mind that that is a Christmas tree.

My question is why do we have a resolution before our Senate body naming this tree, specifically, the Christmas tree? Isn't that unnecessary? Why are we voting on a resolution which would seem to endorse a particular religion? There was recently in Indiana a federal district court decision that ruled that the Christian prayers with which that Legislature was beginning its sessions were unconstitutional not because they were prayers, but because they endorsed a particular religion.

The litany of all the states that mentioned God in their preambles by the previous speaker. Well, I'm sorry, Mr. President, that I'm not allowed to respond to the previous speaker, but my point is that designating a particular religious holiday by a Senate resolution that names that tree and endorses that particular holiday, we are being exclusionary to many of our constituents who may not endorse or follow that particular religion. We are not a Christian nation. There is not an established religion in this country. We do have separation of church and state, and it is a mistake to debate religious doctrine on the floor of this Senate.

I think for all of those reasons that this is a very mean-spirited resolution, leaving the very schoolchildren who come here to observe our session every day in a great deal of confusion when they're taught in school to honor each other's traditions, and then come here and seeing us endorsing one tradition, I think, is a big mistake.

Senators Bishop, Kuipers, Sanborn, McManus and Toy offered the following resolution:

Senate Resolution No. 90.

A resolution to memorialize the Congress of the United States to enact legislation to require states and municipalities to submit emergency preparedness plans to the state and federal homeland security agencies.

Whereas, The September 11th terrorist attacks and natural disasters, such as the recent hurricanes in the Gulf of Mexico and threats of a global pandemic disease or an epidemic occurring over an expansive area, crossing international boundaries, and threatening a large number of human lives demonstrate the importance of local and state emergency management planning. Failure to respond effectively to a terrorist attack or a natural catastrophe can lead to discomfort, injury, and even death for those victims caught in such a crisis; and

Whereas, It is through training and better coordination between local and state emergency responders that Michigan can improve its effectiveness in responding to a crisis. Sharing emergency management plans allows the different levels of government to better coordinate efforts and open up lines of communication; and

Whereas, Sharing emergency plans gives responders the opportunity to discover what their strengths and weaknesses are and fix any problems before a real crisis occurs. By sharing emergency management plans, federal and state homeland security agencies will have the opportunity to review and understand the emergency response systems of local first responders and adjust their efforts so as to maximize effectiveness; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to require states and municipalities to submit emergency preparedness plans to the state and federal homeland security agencies; and be it further

Resolved, That copies of this document be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Birkholz, Cassis, Cropsey, Gilbert, Goschka, Jacobs, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Basham, Prusi, Schauer, Cherry, Switalski and Emerson offered the following resolution:

Senate Resolution No. 91.

A resolution to memorialize the Congress of the United States to enact the Employee Free Choice Act.

Whereas, Working families in many sectors of the economy face difficult challenges across our country. News reports of job losses in certain key industries, reductions or elimination of health care coverage, and disappearing pensions leave little doubt that entire segments of the American population are at risk; and

Whereas, There have been numerous occasions recently in which employee efforts to establish a union have reportedly been thwarted or impeded by discriminatory behavior and threats. This type of activity often takes place in conjunction with elections that are now held to determine if the majority of employees wish to unionize; and

Whereas, With employers often becoming bolder in their opposition to union activities, Congress is considering legislation, the Employee Free Choice Act, that would provide that the process of establishing a union can begin through a majority of employees signing authorizations to express their desires. This legislation, which includes safeguards to ensure the validity of the authorizations, would remove major obstacles of discrimination or harassment from the process, thereby allowing workers to express their wishes freely; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Employee Free Choice Act to ensure that workers have the ability to organize through a union free from discrimination or harassment; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

House Concurrent Resolution No. 25.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the Action Plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, A recent report by the federal Great Lakes Interagency Task Force has, at the eleventh hour, attempted to change the rules that the Regional Collaboration operated under by recommending that the strategy be constrained by current budget projections; and

Whereas, The action plan previously developed through the Regional Collaboration includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we urge the United States Congress to adopt legislation to implement and fully invest in the Action Plan; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Birkholz, Bishop, Brater, Cassis, Gilbert, Goschka, Jacobs, Switalski and Van Woerkom were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 28.

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

(For text of resolution, see Senate Journal No. 78, p. 1289.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 34.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of resolution, see Senate Journal No. 95, p. 2067.)

The House of Representatives has adopted the concurrent resolution and named Reps. Accavitti, Ball, Bieda, Brandenburg, Byrnes, Caul, Elsenheimer, Espinoza, Farhat, Garfield, Gillard, Gleason, Hansen, Hildenbrand, Huizenga, Jones, LaJoy, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Meyer, Mortimer, Palmer, Palsrok, Pastor, Pavlov, Pearce, Proos, Rocca, Schuitmaker, Shaffer, Alma Smith, Stahl, Taub, Tobocman and Vander Veen as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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 Bishop as Chairperson.

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

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

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 2:30 p.m.

The motion prevailed, the time being 1:37 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

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

Senators Allen and Goschka introduced

Senate Bill No. 932, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

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

Senator Birkholz introduced

Senate Bill No. 933, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3701, 3702, 3703, 3705, 3706, 3707, 3708, 5901, 5902, 5903, 5905, 5906, 5907, and 5908 (MCL 324.3701, 324.3702, 324.3703, 324.3705, 324.3706, 324.3707, 324.3708, 324.5901, 324.5902, 324.5903, 324.5905, 324.5906, 324.5907, and 324.5908), as added by 1995 PA 60.

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

Senators Garcia, Van Woerkom, Cropsey, Goschka, Kuipers, Hardiman, Allen, McManus, Sanborn, Brown and Gilbert introduced

Senate Bill No. 934, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

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

Senator Kuipers introduced

Senate Bill No. 935, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2005 PA 185.

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

Senator Switalski introduced

Senate Bill No. 936, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2975.

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

Senator Switalski introduced

Senate Bill No. 937, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2004 PA 63.

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

Senators George, Cropsey, Kuipers, Garcia and Birkholz introduced

Senate Bill No. 938, entitled

A bill to provide standards for personnel policies to protect and accommodate the right of conscience of health care providers who conscientiously object to providing or participating in certain health care services under certain circumstances; to provide for protection from certain liability; and to provide for penalties and remedies.

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

House Bill No. 4074, entitled

A bill to amend 1967 PA 156, entitled "Optional retirement act of 1967," by amending section 2 (MCL 38.382), as amended by 1994 PA 296.

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. 5436, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 11a (MCL 388.1611 and 388.1611a), as amended by 2005 PA 155, and by adding section 99c.

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 Appropriations.

House Bill No. 5452, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 20 and 22b (MCL 388.1620 and 388.1622b), as amended by 2005 PA 155.

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 Appropriations.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 252, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

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. 253, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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. 254, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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

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

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

The Senate agreed to the full title.

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

Senator Schauer moved that Senators Emerson and Leland be temporarily excused from the balance of today's session.

The motion prevailed.

Senators Emerson and Leland entered the Senate Chamber.

Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 721

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

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. 685, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 722**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Sanborn

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. 686, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 552c.
 The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 723**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

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. 714, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 2 (MCL 722.22), as amended by 2004 PA 542.

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 Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article X, to restrict the power of state or local government to take private property by eminent domain for certain private purposes.

The House of Representatives has amended the joint resolution as follows:

1. Amend page 2, line 12, after “**OF**” by inserting “**A**”.
2. Amend page 2, line 16, after “**TAKING**” by inserting “**OF THAT PROPERTY**”.

The House of Representatives has adopted the joint resolution as amended by a 2/3 vote.

Pending the order that, under rule 3.202, the joint resolution be laid over one day,
Senator Hammerstrom moved that rule be suspended.

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

The question being on concurring in the amendments made to the joint resolution by the House,

The amendments were not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 724

Yeas—24

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

Nays—12

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

Excused—0

Not Voting—2

Basham

Bernero

In The Chair: Sanborn

Senator Hammerstrom moved to reconsider the vote by which the amendments were not concurred in. The motion prevailed.
The question being on concurring in the amendments made to the joint resolution by the House, Senator Hammerstrom moved that further consideration of the joint resolution be postponed temporarily. The motion prevailed.

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

Senate Bill No. 892, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled "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," by amending section 57f (MCL 400.57f), as amended by 2001 PA 280, and by adding sections 57s, 57t, 57u, and 57v.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom moved that the rule be suspended.

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,

Senator Hardiman offered the following substitute to the House substitute:

Substitute (S-2).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 725

Yeas—24

Allen
Barcia
Birkholz

Cropsey
Garcia
George

Jelinek
Kuipers
McManus

Schauer
Sikkema
Stamas

Bishop
Brown
Cassis

Gilbert
Goschka
Hardiman

Olshove
Patterson
Sanborn

Switalski
Toy
Van Woerkom

Nays—13

Basham
Brater
Cherry
Clark-Coleman

Clarke
Emerson
Hammerstrom

Jacobs
Johnson
Leland

Prusi
Scott
Thomas

Excused—1

Bernero

Not Voting—0

In The Chair: Sanborn

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 requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 726

Yeas—23

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Kuipers
McManus
Olshove
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—14

Basham
Brater
Cherry
Clark-Coleman

Clarke
Emerson
Jacobs
Johnson

Leland
Prusi
Schauer

Scott
Switalski
Thomas

Excused—1

Bernero

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

Senate Bill No. 893, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 43 and 57g (MCL 400.43 and 400.57g), section 57g as amended by 2001 PA 280.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled “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,” (MCL 400.1 to 400.119b) by adding sections 57q and 57r.

Pending the order that, under rule 3.202, the bill be laid over one day,

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,

Senator Hardiman offered the following substitute to the House substitute:

Substitute (S-2).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 727

Yeas—31

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

Nays—5

Brater	Clarke	Leland	Scott
Clark-Coleman			

Excused—1

Bernero

Not Voting—1

Emerson

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.

Senate Bill No. 894, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled “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,” by amending section 57d (MCL 400.57d), as amended by 2001 PA 280.

Pending the order that, under rule 3.202, the bill be laid over one day,

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,

Senator Hardiman offered the following substitute to the House substitute:

Substitute (S-2).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 728**Yeas—32**

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

Nays—5

Brater	Emerson	Leland	Scott
Clark-Coleman			

Excused—1

Bernero

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 621**Senate Bill No. 622**

The motion prevailed.

The following bill was announced:

Senate Bill No. 621, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

(This bill was read a third time earlier today, amendment adopted and the motion to reconsider the vote postponed. See p. 2457.)

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

Senator Hammerstrom withdrew the motion.

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. 729**Yeas—37**

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

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was announced:

Senate Bill No. 622, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” (MCL 400.701 to 400.737) by adding sections 34b and 34c; and to repeal acts and parts of acts.

(This bill was read a third time earlier today and consideration postponed. See p. 2459.)

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 9, line 11, after “**BOTH**” by inserting a comma and “**AND MAY BE SUBJECT TO CIVIL LIABILITY FOR PERSONAL INJURY OR DEATH OF ANOTHER RESIDENT CAUSED BY AN INDIVIDUAL EMPLOYED, INDEPENDENTLY CONTRACTED WITH, OR GRANTED CLINICAL PRIVILEGES WITH THAT HEALTH FACILITY OR AGENCY WHO WOULD HAVE BEEN TERMINATED OR DENIED EMPLOYMENT IF THE LICENSEE, OWNER, ADMINISTRATOR, OR OPERATOR OF THAT FACILITY WOULD HAVE CONDUCTED THE CRIMINAL HISTORY CHECK AS REQUIRED UNDER THIS SECTION**”.

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. 730

Yeas—37

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

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:40 p.m.

5:09 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
Messages from the House

By unanimous consent the Senate returned to consideration of the following joint resolution:

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article X, to restrict the power of state or local government to take private property by eminent domain for certain private purposes.

(The House amendments were not concurred in earlier today, vote reconsidered and consideration postponed. See p. 2476.)

The question being on concurring in the amendments made to the joint resolution by the House,

The amendments were concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 731**Yeas—31**

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

Nays—6

Brater	Clarke	Jacobs	Scott
Clark-Coleman	Emerson		

Excused—1

Bernero

Not Voting—0

In The Chair: Sanborn

The joint resolution was referred to the Secretary for enrollment printing, certification and filing with the Secretary of State.

The President, Lieutenant Governor Cherry, resumed the Chair.

Senate Bill No. 341, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8395 (MCL 600.8395). The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 732

Yeas—37

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

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate 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 Bishop 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 amendments, the following bill:

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

1. Amend page 1, line 2, after “2007,” by inserting “**FOR TAXES LEVIED AFTER DECEMBER 31, 2005,**”.

2. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.
3. Amend page 2, line 19, by striking out all of subsection (6) and renumbering the remaining subsection.

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

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

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

1. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.

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

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

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

1. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.

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

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

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.

Substitute (S-1).

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

1. Amend page 3, line 7, after “**STATE**” by inserting “**OR, IF THE JOBS QUALIFY UNDER SECTION 35I(9)(E)(iii)(B), AT THE FACILITY,**”.

2. Amend page 3, line 8, after “**WHICH**” by striking out “**A CREDIT UNDER THIS SECTION WAS CLAIMED**” and inserting “**THE TRANSFERRED JOBS WERE MOVED TO THIS STATE**”.

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. 4982

House Bill No. 5459

House Bill No. 5460

House Bill No. 5461

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

The following bill was read a third time:

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 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. 733

Yeas—35

Allen
Barcia

Clarke
Cropsey

Jelinek
Johnson

Schauer
Scott

Basham	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman	Jacobs	Sanborn	

Nays—2

Brater	Emerson
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Excused—1

Bernero

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 provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 734**Yeas—35**

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

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 provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 736**Yeas—35**

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

Nays—2

Brater	Emerson
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Excused—1

Bernero

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 provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments;

to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The Senate agreed to the full title.

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

House Bill No. 5480

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

The following bill was read a third time:

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 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. 737

Yeas—37

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

Nays—0

Excused—1

Bernero

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 impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes.”.

The Senate agreed to the full title.

Senator Hammerstrom moved that if the House of Representatives requests the return of the following bill during the recess, that the request be granted:

Senate Bill No. 634

The motion prevailed.

Recess

Senator Hammerstrom moved that the Senate recess until 8:00 p.m.

The motion prevailed, the time being 5:47 p.m.

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

Recess

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

The motion prevailed, the time being 8:01 p.m.

8:15 p.m.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I missed session last Thursday, which was December 8, due to my attendance at the National Black Caucus of State Legislators Annual Conference in Washington, D.C., which I serve as co-chair of the Insurance Committee. I would like the record to reflect that if I had been here, I would have voted as follows: Roll Call Nos. 671-686, "yes"; 687, "no"; 688-691, "yes"; 692, "no"; 693, "yes"; 694 and 695, "no"; 696, "yes"; 697 and 698, "no"; 699 and 700, "yes."

I would like to just read you one of my e-mails that I received regarding insurance rates. "Dear Senator Scott: It was with great interest that I read an article on your efforts to inform your fellow Senators of the high costs of automobile insurance. I applaud your efforts and hope you continue until you are heard.

I would also like to let you know that there may be another cause for the increased rates of insurance which affects the entire state of Michigan. That cause is the practice of local district courts not reporting convictions of traffic tickets to the Secretary of State. The practice is sometimes referred to as "taking a ticket under advisement" or allowing some sort of probationary period, where if the offender goes for a period of time without another ticket, the points would not be added to the driving record.

This practice of not abstracting a ticket to the Secretary of State creates a situation where we do not have an accurate driving history of most of the motorists in the state of Michigan. Without accurate driving histories, the insurance companies cannot effectively determine risk and, therefore, increase rates for all of us who drive.

This practice should be stopped. Specific laws should be passed to eliminate the courts' ability to do this. It is neither fair nor just that most of the people in this state go without correct driving histories.

Thank you for taking the time to read my e-mail. I truly do applaud you and your efforts at helping those who can least afford insurance, let alone getting a ticket. Keep up the good work. Sincerely," and this is from Traverse City, Michigan.

I would just like to say to my colleagues on this last night that we're in session that I wish each and every one of you a wonderful holiday. May you and your families be truly blessed, and when we come back for session in January, hopefully, we'll listen to the people regarding insurance rates.

Senator Basham's statement is as follows:

Today is truly an historic day for Michigan and for one of our congressional folks. My Congressman John Dingell today marks 50 years that he has served in the U.S. House. He's cast over 21,800 votes while he's been in the Congress.

He's led both the Oversight and Investigations Subcommittees and the House Energy and Commerce Committee, which actually covers everything. He's served under 10 U.S. Presidents and had a major role in numerous pieces of legislation, including Medicare and the Clean Air Act.

John Dingell has actually established a legacy of effectiveness and integrity. His work on the Oversight and Investigations Subcommittees is groundbreaking, and in his endless search for truth, he's routed out government corruption. The taxpayers are assured with John Dingell in Congress that the taxpayer dollars were not wasted. We are truly lucky to have a Congressperson like John Dingell, not just serving my district or not just serving the state of Michigan, but serving our nation. I look forward to working with him in his many more elections and hope he has another 50 years to serve the people of this state, and certainly, the people Downriver.

I would like to formally recognize John Dingell for all his hard work on behalf of the good citizens of Michigan.

Senator Brown's statement is as follows:

We have had occasion to rise and speak on behalf of fallen soldiers from time to time. I would just like to draw members' attention to a soldier in need—Marine Lance Corporal Jordan Pierson. Lance Corporal Pierson recently suffered severe injuries during an offensive in Ar Ramadi, Iraq. His mother, Candance Pierson, has asked for prayers for her son and so I would share that request with all of the members here this evening.

Marine Lance Corporal Jordan Pierson is being treated at the National Navy Medical Center in Bethesda. He underwent surgery again today. He turns 22 on December 26, and at 19, he was the youngest member of the weapons company of the 3rd Battalion, 7th Marines. He was promoted to lance corporal on March 1 of 2003.

Jordan wanted to be a Marine since he was eight years old. He is a graduate of the Michigan Youth Challenge Program and is a soldier who found himself in harm's way on our behalf as a fighter for freedom. He is deserving of our prayerful consideration at this challenging time in his life.

And, with that, I ask that my remarks be printed in the Journal, and I wish everyone a very Merry Christmas and Happy Hanukkah.

Senator Goschka's statement is as follows:

I rise realizing that this is likely our last day of session for this year. There are six of us in this chamber who, because of term limits, will be seeing one more year of service here. Those, of course, are Senator Sikkema, Senator Johnson, Senator Hammerstrom, Senator Emerson, Senator Leland, and myself. It is amazing that in 13 years—the time that I have been able to serve—has been, for me, the most rewarding time of my life. I know that for the six of us, as we look at our futures, we have one more year in this chamber. We cannot go back to the House. We cannot run again for the Senate. What a great opportunity the people of the state of Michigan have seen fit to do, and in our own districts to see fit to elect us to serve and to represent them in the House and now in the Senate.

I want you to know that I have so enjoyed the personalities with whom we work. Some of us are very strong. Some are much more easy-going. There is a lot of in-between, but when it is all said and done, when we look back on our careers and our lives, it is the relationships that we built with people that really matter.

I want you to know that, for me and, I believe, for my colleagues, in this last year and as we look to 2006, I intend to take time to smell the roses. That is, to really reflect on my friendships with you; the relationships that we've built. And, yes, there will be times when we get partisan. We care about issues. We'll work very hard on the things we believe in. I also appreciate greatly the collegiality that we've had; the friendships that we've built; the trust that we have. Again, I know for my own district, I am so grateful that they saw fit to take a fork truck driver and put trust in him and send him first to the Michigan House and then to the Senate.

You and I, as members of this body, have been afforded a wonderful opportunity every day, and I don't want to take that for granted. I know you don't either. I would encourage each one of us, anew and afresh, to really take stock in the relationships in this place—the friendships. It is kind of like high school. When you graduate, you don't realize it, but you won't see so many of your classmates ever again.

So look around you. Enjoy the friendships, the collegiality. I know that for me with one more year to go, my intent is to do my best for my district, to stand up for the things I believe in, and certainly, to continue to enjoy the relationships that we have built together.

I am grateful. This is not a good-bye or a swan song, by any means. But it's a moment of reflection to realize that one more year to go, next month January I'll never get another January in this place. Eventually, you will be in the same position. We are fortunate people and we owe it to our constituents to give them and to give this state our very best.

So to all of you, I say thank you for your patience. Thank you for listening. You are friends. We are friends. We have relationships amongst each other and with the other chamber. These are days we will look back on and never forget.

Mr. Lieutenant Governor, I want to say to you that you are a dear friend. I've enjoyed working with you, and I appreciate the relationship that we have as well.

Senator Switalski's statement is as follows:

I just wanted to take this opportunity to wish everyone a Merry Christmas and Happy Holidays. Many of you have begged me, implored me, not to sing. I respect that and I will honor your wishes. But I thought I would share a wee limerick with you:

A fine looking Gov' nor named Jenny
Had me over her house times a-plenty.
She gave me a kiss
'Twas the ultimate bliss.
If my wife learns, I'll never get any.

I give you now Cameron Brown
Looks a debonair man-about-town.
He's ever fine spoken,
Enjoys Funk Brothers smokin'
And he seeks the Republican crown.

Warren's telecom expert is Dennis,
Although Patterson thought him a menace.
He was briefly befuddled
And his driving was scuttled
By an ill-advised trip to the dentist.

Now with Martha you have my assurance
That a statement you'll hear on insurance.
Might there be a rate cut?
No consensus now, but
The election may bring us concurrence.

The Approps chair is known as Good Shirley,
Though her rulings can sometimes be squirrely.
When targets are set,
It's a pretty good bet
That she's got poor Prusi by the curlies.

Bob Emerson hails from Flint,
A city that's virtually skint.
He refused the campaign chair.
When pressed, he stamps and swears
And barks, "Grow up!" We won't take the hint.

Leader Sikkema hails from Grandville
So hard-headed they call him The Anvil.
But when he makes a deal,
He won't dither or squeal
Like that back-sliding House-leading man will.

But we can't be too hard on DeRoche,
For to do so would be very gauche.
It's a real bad idearia
I'll be sent to Siberia.
My new colleagues will call me Milosch.

I'll quit now 'cause I think I'm ahead.
If I don't stop, I may wind up dead.
It's been great being here
And we'll see you next year.
Merry Christmas and it's off to our bed.

By unanimous consent the Senate returned to the order of
Messages from the House

The House of Representatives requested the return of
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.

Pursuant to a previous order the request of the House of Representatives was granted.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 8:36 p.m.

9:20 p.m.

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

Senate Bill No. 456, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

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.

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 House of Representatives has substituted (H-2) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled "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," by amending sections 14i, 57, 57a, and 57e (MCL 400.14i, 400.57, 400.57a, and 400.57e), section 14i as amended by 2004 PA 571, section 57 as added by 1995 PA 223, section 57a as amended by 1999 PA 26, and section 57e as amended by 2001 PA 280, and by adding section 57w.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 738**Yeas—23**

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

Nays—14

Basham	Clarke	Leland	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Scott	Toy
Clark-Coleman	Johnson		

Excused—1

Bernero

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

House Bill No. 5439, entitled

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

The House of Representatives has substituted (H-2) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-2) and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 739**Yeas—23**

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

Nays—14

Basham	Clarke	Leland	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Scott	Toy
Clark-Coleman	Johnson		

Excused—1

Bernero

Not Voting—0

In The Chair: President

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 House of Representatives has substituted (H-2) to the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled "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," (MCL 400.1 to 400.119b) by adding section 57p.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 740**Yeas—23**

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jelinek	Schauer

Birkholz	George	Kuipers	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Van Woerkom
Cassis	Hammerstrom	Patterson	

Nays—14

Basham	Clarke	Leland	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Scott	Toy
Clark-Coleman	Johnson		

Excused—1

Bernero

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

House Bill No. 5441, entitled

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

The House of Representatives has substituted (H-3) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-3) and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 741**Yeas—23**

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jelinek	Schauer
Birkholz	George	Kuipers	Sikkema

Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Van Woerkom
Cassis	Hammerstrom	Patterson	

Nays—14

Basham	Clarke	Leland	Switalski
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs	Scott	Toy
Clark-Coleman	Johnson		

Excused—1

Bernero

Not Voting—0

In The Chair: President

House Bill No. 5442, entitled

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

The House of Representatives has substituted (H-2) to the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-2) and agreed to the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 742**Yeas—37**

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

Cassis
Cherry
Clark-Coleman

Hammerstrom
Hardiman

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

Senate Bill No. 892, entitled

An act to amend 1939 PA 280, entitled “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,” by amending section 57f (MCL 400.57f), as amended by 2001 PA 280, and by adding sections 57s, 57t, 57u, and 57v.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1).

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

Senate Bill No. 893, entitled

An act to amend 1939 PA 280, entitled “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,” (MCL 400.1 to 400.119b) by adding sections 57q and 57r.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1).

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

Senate Bill No. 894, entitled

An act to amend 1939 PA 280, entitled “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," by amending section 57d (MCL 400.57d), as amended by 2001 PA 280.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1).

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 9:38 p.m.

11:51 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bills:

House Bill No. 5177

House Bill No. 5178

The motion prevailed.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Wednesday, December 14, 2005, at 12:01 a.m.

The motion prevailed.

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives with House title amendments and no other actions pending, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 236, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 2005 and September 30, 2006; and to provide for the expenditure of the appropriations.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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. 743

Yeas—36

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

Nays—0

Excused—1

Bernero

Not Voting—1

Allen

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. 909, entitled

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

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 11, after "**TREASURER**" by striking out "**SHALL**" and inserting "**MAY**".

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.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the amendment made to the bill by the House,
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 744

Yeas—34

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

Nays—2

Brater	Emerson
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Excused—1

Bernero

Not Voting—1

Allen

In The Chair: President

The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Committee Reports

The Committee on Banking and Financial Institutions reported

House Bill No. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” (MCL 492.101 to 492.141) by adding section 13a.

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

1. Amend page 1, line 3, after “ANY” by striking out the balance of the line through “CONTRACT” on line 4 and inserting “INDEBTEDNESS”.

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

Michael D. Bishop
 Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, December 8, 2005, at 12:00 noon, Room 100, Farnum Building

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 877, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Thomas

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, December 8, 2005, at 8:30 a.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

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).

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

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

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

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 13, 2005, at 8:36 a.m., Room 210, Farnum Building

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

Excused: Senators Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, December 8, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators George, Goschka, Prusi, Clarke and Cherry

Excused: Senators Johnson (C), Cropsey and Hardiman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Thursday, December 8, 2005, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C) and Hardiman

Excused: Senators George, Prusi and Scott

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:59 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, December 14, 2005, at 12:01 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

