

No. 95
STATE OF MICHIGAN
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REGULAR SESSION OF 2006

Senate Chamber, Lansing, Wednesday, December 13, 2006.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

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

Pastor Josh Presley of Calvary Baptist Church of Lansing offered the following invocation:

Dear Heavenly Father, thank You so much for all that You do for us. We come to You because You are the Creator and the Sustainer. We need Your help, Your care, and Your provision.

Father, we have so much to be thankful for, both nationally and individually. Nationally, we thank You for our freedom and for those who fight for it. Father, we thank You that You use our nation as a tool to bring freedom to other nations.

Father, thank You so much for our leaders. We know that Your word in Hebrews 13:6 says that our leaders are Your servants. So we thank You for them, their service, their loyalty, and their integrity.

Father, individually we thank You as we approach the holiday season for the Savior who was born in a manger, who grew up and died on the cross for our sins.

Father, it is an honor to be here, but it is such a greater honor to talk to You. One day, I'll stand before You, Lord. Father, we pray that the decisions that are taking place today would honor You and that You would bless the day and the decisions.

We pray this in Jesus' name. Amen.

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

Motions and Communications

Senators Goschka, Sanborn, Birkholz, Cassis, Garcia, Toy, Van Woerkom, Hardiman, Brown, Patterson, Hammerstrom, Johnson, Jelinek and George entered the Senate Chamber.

A quorum of the Senate was present.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Sanborn 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 10:07 a.m.

10:16 a.m.

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

During the recess, Senator Sanborn introduced the Dakota High School Varsity Football Team, 2006 Division 1 State Champions, and Head Coach Mike Giannone, and presented them with a Special Tribute.

Coach Giannone responded briefly.

During the recess, Senators Bishop, Thomas, Gilbert, Sikkema, Schauer, Allen, Stamas, Kuipers, Barcia and Prusi entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:17 a.m.

10:26 a.m.

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

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

Senate Bill No. 246

Senate Bill No. 1242

The motion prevailed.

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bills:

House Bill No. 5761, entitled

A bill to amend 1895 PA 1, entitled "An act to provide for the incorporation of Masonic Associations; and to impose certain duties upon the department of commerce," (MCL 457.221 to 457.227) by adding section 4a.

House Bill No. 6209, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2004 PA 576.

House Bill No. 5717, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 59 and 78n (MCL 211.59 and 211.78n), section 59 as amended by 2001 PA 97 and section 78n as added by 1999 PA 123.

House Bill No. 5204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.

House Bill No. 5205, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4z.

House Bill No. 5206, entitled

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

House Bill No. 5207, entitled

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

House Bill No. 5209, entitled

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending section 21 (MCL 399.721), as amended by 2002 PA 508.

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

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

House Bill No. 5761

House Bill No. 6209

House Bill No. 5717

House Bill No. 5204

House Bill No. 5205

House Bill No. 5206

House Bill No. 5207**House Bill No. 5209**

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

Senator Hammerstrom moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

House Bill No. 5257, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 78 (MCL 41.78), as amended by 1989 PA 77.

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5257

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

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

House Bill No. 6358, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 6r.

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 6358

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

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

House Bill No. 6599, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 1, 2, 3, 4, 5, and 8 (MCL 445.401, 445.402, 445.403, 445.404, 445.405, and 445.408), sections 1 and 3 as amended by 2006 PA 294; and to repeal acts and parts of acts.

House Bill No. 6630, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2004 PA 457.

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

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

House Bill No. 6599

House Bill No. 6630

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

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following concurrent resolutions:

Senate Concurrent Resolution No. 60.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Valley State University relative to the Grand Valley State University Padnos College of Engineering.

Senate Concurrent Resolution No. 64.

A concurrent resolution to revise the subtotal project costs for the Wayne State University Engineering Development Center project.

The motion prevailed, a majority of the members serving voting therefor, and the concurrent resolutions were placed on the order of Resolutions.

Senator Hammerstrom moved that the rules be suspended and that the following resolutions, now on the order of Resolutions, be placed on the Resolutions calendar for consideration today:

Senate Concurrent Resolution No. 60

Senate Concurrent Resolution No. 64

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

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bills:

House Bill No. 6603, entitled

A bill to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

House Bill No. 4735, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," (MCL 38.1601 to 38.1648) by adding section 41a.

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

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

House Bill No. 6603

House Bill No. 4735

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

Senator Hammerstrom moved that the Committee on Health Policy be discharged from further consideration of the following bills:

House Bill No. 5923, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 754 (MCL 330.1754), as amended by 1995 PA 290.

House Bill No. 5927, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 104 (MCL 330.1104), as amended by 1986 PA 287.

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

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

House Bill No. 5923

House Bill No. 5927

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

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

House Bill No. 4931, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4931

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

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. 6098

House Bill No. 6313

House Bill No. 5351

House Bill No. 6474

House Bill No. 6475

House Bill No. 6476

House Bill No. 6477

House Bill No. 5300

House Bill No. 5301

House Bill No. 5302

House Bill No. 5303

House Bill No. 5304

House Bill No. 5305

House Bill No. 5306

House Bill No. 5307

House Bill No. 5308

House Bill No. 5309

House Bill No. 4125

House Bill No. 4647

House Bill No. 6030

House Bill No. 6277

House Bill No. 6278

House Bill No. 6386

House Bill No. 6387

House Bill No. 6663

House Bill No. 6187

House Bill No. 6346

House Bill No. 6368

House Bill No. 4079

House Bill No. 4080

House Bill No. 4536

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

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

Senate Bill No. 123, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by amending the heading of part 172 and by adding section 17204.

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. 838

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Leland

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.

Senate Bill No. 124, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 17205.

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. 186, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 17201 (MCL 324.17201), as added by 2002 PA 578, and by adding section 17206.

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. 1426, entitled

A bill to provide that certain entities contracting with state and local units of government are subject to the patient's right to independent review act.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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. 839**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

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

Senate Bill No. 603, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28.

Substitute (H-1).

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

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

Roll Call No. 840**Yeas—32**

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

Nays—6

Brater	Leland	Schauer	Switalski
Cherry	Olshove		

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. 670, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 33901, 33902, 33903, 33904, 33908, 33910, 33911, 33916, 33924, 33929, and 33935 (MCL 324.33901, 324.33902, 324.33903, 324.33904, 324.33908, 324.33910, 324.33911, 324.33916, 324.33924, 324.33929, and 324.33935), as added by 1995 PA 59; 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. 841**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The President pro tempore, Senator Birkholz, assumed the Chair.

Senate Bill No. 1335, entitled

A bill to provide for the administration of the Michigan merit award program; to provide for the powers and duties of certain state officers and entities; and to repeal acts and parts of acts.

Substitute (H-4).

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. 842

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Goschka's statement is as follows:

I rise in very strong support of this bill and would urge adoption. I do want to thank the very kind Senator from the 26th District, Senator Cherry. She worked very hard as well on this bill. Governor Cherry, I also commend you for your hard work and the many times that we sat down to talk about what we thought we could do in the best interest of college students throughout this entire state. This is a great day for Michigan families and for higher education. There is no question that this will increase costs in higher education and the importance that higher education has in the future for anybody. To be able to put more actual real dollars into education is something that is truly outstanding.

Senator Cherry, myself, Governor Cherry, and then later, Senator Kuipers and Senator Van Woerkom, were all at the table working together trying to do what we thought was in the best interest of higher education for Michigan families. I think this is a golden moment and we should realize that as we vote for this we're doing something very tangibly good for many, many people who are in great need.

Another component with this legislation is it just doesn't reward those who do well on a MEAP test or an ACT test, but it really does give a second chance. That was something that we were trying to aim for all along as well, to help those individuals who perhaps in high school did not do well on a test, but still wanted to participate in this opportunity. If they maintain a 2.5 grade point in the two years before their junior year, they will receive everything that anyone else would receive.

This really is a banner moment and I'm really proud of this moment.

Senator Cherry's statement is as follows:

Today is a long day in the making. We've been working a long time on this bill. This is the new Michigan Merit Scholarship bill, which is now called the Michigan Promise Scholarship program. I think that's the right name now. That's what the House change was.

I have to just take a moment to say thank you to a number of people. First of all, Senator Goschka—I know I'm not supposed to name names, but he and I and the Governor's office spent all summer a year ago working on the development of this merit scholarship that you see before us today. This bill is pretty much the bill that we agreed to at that time. While it has taken us over a year to get there, I'm very proud today to be able to say that we're going to be offering \$4,000 for every student to go on to further their education in either community colleges, in the higher education at public universities or private universities or in technical trade schools.

It is an exciting day for Michigan. Mr. President, I think it's one of the first steps to see the fruition of the Cherry Commission report in increasing the number of students in Michigan who have a college education. I ask members to concur in this House substitute, and I thank my colleagues, especially the Senator from the 32nd District, for their hard work and what he has done in getting this bill passed.

Senator Hammerstrom moved that the rules be suspended to allow the statements of outgoing Senators to exceed the five-minute limitation today and tomorrow.

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

Senator Hammerstrom moved that rule 3.506(e) be suspended to allow the statements of Senators Leland and Toy to be printed in the Journal.

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

Senator Leland's statement is as follows:

First of all, I just want to remind everyone to sign my *Michigan Manual*, and as I said on the memo on the front of the book, you don't have to be nice; just be honest. There are a few more members who have not signed it, so please do that before the day is up.

This is bittersweet for me. I end a job and I start a new job. This has been home for a long time; 26 years I've been in the Legislature. That is the first time I walked in this building. You know, when I came here, I didn't have any gray hair; it was a lot wilder, a lot longer, and gravity had not set in. I was a very young person. My son Gabe was yet to be born. I spent 18 years in the House. That was probably the best time in my life those 18 years. That was truly home to me. I loved being there, every moment of it. I've been in the Senate eight years. I've got to tell you, I still feel like a newbie here in the Senate.

You know, I was downtown in Detroit the other day and I have to say that I'm really excited about going home to Wayne County. Maybe it's the hustle and bustle of a big city, or maybe it's just having some real restaurants, not just sandwich shops and some greasy olive burgers, or maybe it's having a parking card, which I got the other day. I don't have to worry about meter maids anymore or parking tickets. I have a parking spot smack in the middle of downtown Detroit.

You know, over the years I've had some issues with Kwame, and I got to tell you, downtown is looking real sweet, real sweet.

It occurred to me that Bruce Patterson and I now have one thing in common. You know, Bruce served on the Wayne County Commission, and now I will. I guess I always wanted to be like Bruce.

I have many people I would like to thank for my years of service—many, many people. First and foremost are my constituents. You know, over the years my district has become increasingly African-American and Arab-American, and look at me, I'm neither. It's a testament to human character that they've allowed a Jewish, white guy to earn their support. I have so many good friends who are Arab-American, and I just wish that they got along in the Middle East the way I get along with my friends in my Arab-American community.

I'd like to take a minute to thank my family who supported my crazy lifestyle for all of these years. Of course, my wife Rosanne of 35 years. What a godsend being married to that woman; really, thank you so much, Rosanne. My parents and my in-laws; I know that I made my mom real proud. You know, I have an older brother. In my tribe, the first-born becomes a doctor, so, of course, my brother went on to become a doctor. He's a radiologist. But when I got elected to the Legislature, my mother would say that, you know, there are a lot of doctors in this state, but there are only 110 State Representatives. She was just so proud of me. I want to thank my children, one of which is with me today, Gabe. My other child is Zachary and he's in California. He's an actor and writer and I'm hoping one day he'll bring home an Oscar. I have really spent a lot of time in my life politicking and doing the good work of the community. Obviously, sometimes you neglect some of the needs of your family. Gabe and Zack, despite me being away from the home as much as I was in your early years, the two of you turned out OK. My son Gabe has honored me with the greatest gift, following in the family business of being in the Legislature. Thank you, Gabe.

My staff, I want to say a word about them. Some of them are here. I also want to say a couple words about a previous staff member. Karen is up in the Gallery. I always refer to Karen Parry as the glue in my office. She has always held things together. Dan Oberlin is up in the Gallery. He's been my case worker, my constituent services coordinator. Ken Brock is back there. Ken, you've been with me for eight years and to this very day I still don't know what you do. You've been on my staff for a long time, and whether you were in my office at times or not, it was just always a good feeling of having the spirit of you around.

Nancy Bohnet, I saw her earlier. She worked for me for 16 wonderful years. Boy, you're a godsend also. I don't know how you put up with me for all those years in the House, but we did have some good times. Gretchen ought to be very grateful to have you. You're an outstanding employee, you're a wonderful person, and just one of the best people I've ever come in contact with in my life.

You know, I have to say something about my friend Tommy. Tommy worked for me in the House for many years. He also worked for Art Miller. He was a political director for Art Miller. There really is not a day in my life that goes by when I don't think about you, Tom. I miss you so much. Tommy passed away in 1999 of March. He's been dearly missed ever since. I love you, Tommy.

I want to say thank you to the central staff, the nonpartisan staff. They make this place function. I've always had a good relationship with our sergeants. Maybe it's because I love guns so much. You know, every day I walk into the Farnum Building and I like to kibitz with them. It's really been a delight to spend a couple moments and for them to take a few moments and spend with me. It just kind of made the day.

Charlie "Mad Dog," I've got two words for you, Charlie: "Go Blue!" Actually, if the sergeants wouldn't mind turning their backs for a few minutes, the Democrats would like to settle a couple of old scores with the guys across the aisle. What do you think, sergeants, give us a couple of minutes?

In talking about the sergeants, Senator Bishop is going to be your new leader next year. Maybe you could do something about those polyester coats that they wear. You know, I tried to do something earlier in this session. I even suggested that I would make a significant contribution to replace those polyester burgundy coats. Boy, those are really obnoxious. So, Senator from Oakland County, you're kind of an upscale kind of guy and flashy, maybe you could do something about that. If you still want me to contribute a few bucks, I think I have a couple of dollars left in my campaign account.

You know, you get to see a slice of history. I've been here for a long time—26 years. I've served under four Governors. I've gone through three rounds of redistricting. When I came, Bill Milliken was Governor and he had an historic relationship with our great Mayor Coleman Young. Boy, those were the days. During my tenure, I got to see the Detroit bonding bailout, the Blanchard election, the tax increase, the subsequent recalls of our colleagues, the so-called Engler revolution, and Senate Bill No. 1 and Proposal A, the restructuring of our school funding, coming back to bite us today, but I know that you guys are going to fix it next session. Throughout it all, the painful revolution of our state's economy away from manufacturing and the difficult budgets that follow, I got to see it all.

I've also had the honor to serve with some really magnificent colleagues, magnificent legislators—legendary leaders like Speaker Ryan, Speaker Crim, Speaker Owen, and Speaker Hillegonds; some larger-than-life personalities like Basil Brown and Perry Bullard—great people. Despite being from a different party, there were truly great public servants like Bill Bryant from Grosse Pointe, Minority Leader of the House when I served with him; some incredibly smart progressives like Lynn Jondahl, Maxine Berman, Morris Hood, and Mary Brown.

I would be remiss if I didn't honor the leaders I've served with here in the Senate. John Cherry, our Lieutenant Governor. Ken Sikkema, even though your politics are misguided, you've been a good leader on your side. Mark Schauer, I love you dearly, my good friend, and I wish you the best of success next year as our leader. And, Bob, you're not just a leader, you're my true friend. We came here in 1980, and you've been with me every day for 26 years, side by side. Here's to you, Bob; here's to I. We're the last of the dinosaurs; we're out of here soon. Martha, Martha, my love, that's my favorite Beatles' song. Just a couple words about you and then I'm going to wrap this up. You know, I have sat next to you for the last four years and you have just been such a beautiful inspiration to me. I know sometimes you find that hard to believe. We've had our moments; we've had our discussions. I've been lectured by you many times. The one thing about your lectures, Martha, that I've got to say is that you are always on the mark; you are always right. When you scolded me, I needed to be scolded. When you ask me to apologize, I need to apologize. When you asked me to write a letter, I wrote that letter. Every now and then when I get a little bit on the wild side, I walk over to your desk—you didn't see this—but I walk over to your desk and I put my hand on your Bible, which I think is the Old and the New Testament, and I would just chill for a little while. You are a very spiritual person, and, in fact, I've got a picture of you and me, Martha. It's my favorite picture; I just love this dearly. Keep up the fight. We've got a lot to do in Detroit in terms of insurance—insurance redlining. That, as we all know, is the cancer of Detroit and we are never ever going to move Detroit forward until this Legislature deals with that problem. You've been fighting the fight for a long time. You are just a wonderful person, Martha. I just can't tell you how much love I have in my heart for you. Thank you for being there.

I often like to say that life has a beginning, a middle, and an end. For me, this is the end of this chapter in my life. It's been a long and wild ride. My mother would always say that you'll miss me when I'm gone. I'll see ya, suckers.

Senator Toy's statement is as follows:

I figured, if another Wayne County person went, then I'd go. You know, I questioned wanting to run for the Senate, and after this last election, I'm beginning to think perhaps I should have gone with my instincts. Incidentally, that could be a good quote of the day. No, in all seriousness, my time serving in this body has been an experience which I would not have missed for anything in the world. Being 1 of 38 is a little different than being 1 of 110. I enjoyed my time in the House immensely. In fact, I didn't want to leave, but for the past four years, it's been fun to sit at the grown-ups' table.

You know, I would be remiss if I did not begin by thanking the people who put me here to serve. When you are elected by your fellow citizens to serve in this honorable body, or in any public office, there is a great trust with which you have been vested. For the past 26 years, I have had the honor and privilege of serving in elected office. I have always taken the responsibility voters have given me very seriously and have worked very hard on their behalf.

I hope to be remembered for my eight years in the Michigan Legislature as an advocate for public education and the environment, and even more importantly, as protector of the most vulnerable among us—our children, our seniors, veterans, and most of all, our disabled, and as a business woman who took a common-sense approach to growing our state's economy and providing accountability in government at all levels.

I am proud to have had 21 public acts in the Senate and another seven in the House of Representatives, and I am proud of what I have been able to accomplish for the people who sent me here. I will be forever grateful for the opportunity that they afforded me to be their voice in state government. Although it is I who worked for them, I am forever indebted to them.

I have had the opportunity to work under two Governors here in our state's capital. Sorry, Senator Birkholz, I didn't know you were going to be in the chair, but this is to Lieutenant Governor Cherry. You'll have to excuse me for being slightly partial to Governor Engler because he never vetoed any of my bills.

Leader Sikkema, I'd like to thank you for your leadership in this body. Although you have that west-sider sense of humor and didn't always appreciate my Wayne County sense of humor, I have truly appreciated your support and counsel, sir.

Senator Johnson, I'd like to thank you for your leadership of the Senate on the Appropriations Committee and to remind you that I will still need some help with money for a few things in my district before I leave. Just kidding.

And to the third row, my seatmates, Jud and Tom, to everyone in my caucus, and to many of the members on the other side of the aisle as well, I want to say that it has been an honor to work with you. I thank you for your dedication and hard work on behalf of the residents of Michigan and also, very importantly, I thank you for your friendship.

To Senator Bishop, our Majority Leader-elect, congratulations. I know that you will serve the caucus well, and you will have my friendship and support as you move forward. And as you move forward, you will be making great things happen for our great state.

To Michelle, your friendship has meant so much to me, and I thank you from the bottom of my heart. I know my staff thanks you as well for all of the wine you brought them during the campaign. Come to think of it, that may have been a factor in our loss.

To all of my Republican Caucus members, you each bring a very needed talent to this chamber and all my best to each of you.

I'd like to say thank you to the Senate staff—the Senate sergeants, the session staff, our caucus staff, and everyone who makes it possible for us as members to do our jobs here in the Senate. I'd like to thank many of the lobbyists I have been fortunate enough to work with. Oftentimes you are misunderstood, but you play an important role in this legislative process, and I have been grateful for your support over these past eight years.

I have saved for last a few personal thank yous not because they are the least important, but because they are the most difficult. I'd like to recognize my chief of staff, Heather Lombardini, who has been with me for six years. For those of you who don't know, Heather also served as my campaign manager. What can you say about Heather? Heather is one of the most incredible people I have ever known. She has been my employee, my confidant, and my friend. I have trusted her to guide me through the ups and downs of the Legislature, and in many cases, the ups and downs of my own life. Heather is tough as nails, but deep down, she truly has a heart of gold. She is very talented. Where did that come from? She is very talented at what she does. OK, let's get the tears out of the way. Heather and all of my staff have been thrown a lot and they have performed superbly. I will miss working with each and every one of them.

My staff has been my family, yet I'd also like to recognize and thank the family that God gave me: my sister Carol, my brother Bruce, my niece Corrin, and nephew Christopher. I'd also like to include in this group my business partner of 28 years, Colleen Siembor, who is co-owner of Cardwell Florist with me. Earlier this year, we were very proud to be named the 2006 Retailer of the Year by the Michigan Floral Association. We are a full-service shop that delivers anywhere, so I would ask you to keep us in mind for any floral needs you might have. There is nothing truer than family, and I would not be here today in this chamber if it were not for the love and support of those individuals.

Finally, there are two very special people who are looking down at me from above right now that I would like to acknowledge. They, perhaps more than anyone, inspired me to be the person that I am today. My brother Glen, who from birth was completely disabled, and my brilliant mother Eileen, who raised four kids and went back to school to graduate from the University of Michigan with distinction and honors, while never finishing high school because she cared for her dying mother.

Goodbyes are hard, but this is not goodbye; I'll be back.

Karen Blixen once wrote, "God made the world round so we could never see too far down the road." Wherever that road takes me, I will never forget where I came from, where I have been, or the very special people whom I have had the honor to meet along the way.

May God bless this great state of Michigan and may God continue to bless America. Thank you for the memories, don't forget to make great things happen, and, as always, Go Blue!

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

The following bill was announced:

House Bill No. 6173, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), as amended by 2006 PA 84, and by adding section 1230e.

(This bill was read a third time on December 12, amendments offered and consideration postponed. See Senate Journal No. 94, p. 2453.)

The question being on the adoption of the amendments offered by Senator Kuipers,

The amendments were adopted, a majority of the members serving voting therefor.

Senator McManus offered the following amendment:

1. Amend page 45, following line 7, by inserting:

"Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized

valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at a regular or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a, ~~or to issue bonds under section 11i of the state school aid act of 1979, MCL 388.1611i~~, **OR, IF THE SCHOOL DISTRICT HAS FEWER THAN 1,100 PUPILS IN MEMBERSHIP IN 2006 AND IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN 30,500 AS OF THE 2000 DECENNIAL CENSUS, TO ISSUE QUALIFIED ZONE ACADEMY BONDS.** For the purposes of this subsection, ~~bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i~~, **THE FOLLOWING TYPES OF BONDS** shall not be included in computing the total outstanding bonded indebtedness of a school district: -

(A) **BONDS ISSUED UNDER SECTION 11I OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1611I.**

(B) **IF THE SCHOOL DISTRICT HAS FEWER THAN 1,100 PUPILS IN MEMBERSHIP IN 2006 AND IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN 30,500 AS OF THE 2000 DECENNIAL CENSUS, QUALIFIED ZONE ACADEMY BONDS.**

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

(5) **AS USED IN THIS SECTION, "QUALIFIED ZONE ACADEMY BOND" MEANS THAT TERM AS DEFINED IN SECTION 1397E OF THE INTERNAL REVENUE CODE, 26 USC 1397E."**

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

Senator Kuipers offered the following amendments:

1. Amend page 6, line 14, after "**WITHIN**" by striking out "**30**" and inserting "**60**".
2. Amend page 9, line 4, after "**CONTRACT**" by striking out the balance of the line through "**EMPLOYER**" on line 5.
3. Amend page 9, line 5, after "**SERVICE**" by inserting "**FOR THE SAME EMPLOYER**".
4. Amend page 9, line 7, after "**STATE.**" by striking out the balance of the subsection and inserting "**FOR THE PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS NOT CONSIDERED TO HAVE A SEPARATION FROM SERVICE IN ANY OF THE FOLLOWING CIRCUMSTANCES:**
(A) **THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.**
(B) **THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE."**
5. Amend page 21, line 14, after "**WITHIN**" by striking out "**30**" and inserting "**60**".
6. Amend page 21, line 23, after "**(11)**" by inserting "**SUBJECT TO SUBSECTION (12),"**".
7. Amend page 22, line 5, after "**CONTRACT**" by striking out "**FOR THE SAME EMPLOYER**".
8. Amend page 22, line 6, after "**SERVICE**" by inserting "**FOR THE SAME EMPLOYER**".
9. Amend page 22, line 7, after "**STATE.**" by striking out the balance of the subsection and inserting "**FOR THE PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS NOT CONSIDERED TO HAVE A SEPARATION FROM SERVICE IN ANY OF THE FOLLOWING CIRCUMSTANCES:**
(A) **THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.**
(B) **THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE."**
10. Amend page 26, line 16, after "**WITHIN**" by striking out "**30**" and inserting "**60**".

11. Amend page 32, line 11, by striking out all of subsection (8) and renumbering the remaining subsections.
12. Amend page 32, line 20, after "WITHIN" by striking out "30" and inserting "60".
13. Amend page 41, line 24, after "WITHIN" by striking out "30" and inserting "60".
14. Amend page 42, line 4, after "YEARS." by striking out the balance of the subsection.
15. Amend page 42, line 20, after "CONTRACT" by striking out "FOR THE SAME EMPLOYER".
16. Amend page 42, line 21, after "SERVICE" by inserting "FOR THE SAME EMPLOYER".
17. Amend page 42, line 22, after "STATE." by inserting "FOR THE PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS NOT CONSIDERED TO HAVE A SEPARATION FROM SERVICE IN ANY OF THE FOLLOWING CIRCUMSTANCES:

(A) THE EMPLOYEE IS LAID OFF OR PLACED ON A LEAVE OF ABSENCE BY HIS OR HER EMPLOYER AND RETURNS TO ACTIVE EMPLOYMENT WITH THE SAME EMPLOYER WITHIN 1 YEAR AFTER BEING LAID OFF OR PLACED ON THE LEAVE OF ABSENCE.

(B) THE EMPLOYEE TRANSFERS TO ANOTHER SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL AND REMAINS CONTINUOUSLY EMPLOYED BY ANY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN THIS STATE."

The amendments were adopted, a majority of the members serving voting therefor.

Senator Kuipers offered the following amendments:

1. Amend page 7, line 5, after "contents" by inserting "RECEIVED UNDER THIS SECTION".
2. Amend page 7, line 19, after "school." by striking out the balance of the line through "ASSIGNMENT." on line 3 of page 8 and inserting "FOR AN INDIVIDUAL WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT, IF THE INDIVIDUAL AGREES IN WRITING, A DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY PROVIDE A COPY OF THE RESULTS RECEIVED UNDER THIS SECTION CONCERNING THE INDIVIDUAL TO AN APPROPRIATE REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER. A REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER WHO RECEIVES A COPY OF A REPORT, OR RECEIVES RESULTS OF A REPORT FROM ANOTHER SOURCE AS AUTHORIZED BY THIS SUBSECTION, SHALL NOT DISCLOSE THE REPORT OR ITS CONTENTS OR THE RESULTS OF THE REPORT TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR TO ANY OF THE EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN EVALUATING THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR ASSIGNMENT."
3. Amend page 18, line 9, after "results" by inserting "RECEIVED UNDER THIS SECTION".
4. Amend page 18, line 17, after "school." by striking out the balance of the line through "ASSIGNMENT." on line 1 of page 19 and inserting "FOR AN INDIVIDUAL WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT, IF THE INDIVIDUAL AGREES IN WRITING, A DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY PROVIDE A COPY OF THE RESULTS RECEIVED UNDER THIS SECTION CONCERNING THE INDIVIDUAL TO AN APPROPRIATE REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER. A REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER WHO RECEIVES A COPY OF THE RESULTS, OR RECEIVES THE RESULTS FROM ANOTHER SOURCE AS AUTHORIZED BY THIS SUBSECTION, SHALL NOT DISCLOSE THE RESULTS TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR TO ANY OF THE EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN EVALUATING THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR ASSIGNMENT."
5. Amend page 38, line 7, after "results" by inserting "RECEIVED UNDER THIS SECTION".
6. Amend page 38, line 15, by striking out all of line 15 through "ASSIGNMENT." on line 26 and inserting "FOR AN INDIVIDUAL WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT, IF THE INDIVIDUAL AGREES IN WRITING, A DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY PROVIDE A COPY OF THE RESULTS RECEIVED UNDER THIS SECTION CONCERNING THE INDIVIDUAL TO AN APPROPRIATE REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER. A REPRESENTATIVE OF THE INDIVIDUAL'S EMPLOYER WHO RECEIVES A COPY OF THE RESULTS, OR RECEIVES THE RESULTS FROM ANOTHER SOURCE AS AUTHORIZED BY THIS SUBSECTION, SHALL NOT DISCLOSE THE RESULTS TO ANY PERSON OUTSIDE OF THE EMPLOYER'S BUSINESS OR TO ANY OF THE EMPLOYER'S PERSONNEL WHO ARE NOT DIRECTLY INVOLVED IN EVALUATING THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR ASSIGNMENT."

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 843**Yeas—36**

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

Nays—2

Emerson	Switalski
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Excused—0**Not Voting—0**

In The Chair: Birkholz

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

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

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

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1351, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1351, 380.1535a, and 380.1539b), sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b as amended by 2006 PA 84 and section 1351 as amended by 2003 PA 299, and by adding section 1230e.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 6174, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 5, 5c, and 5f (MCL 722.115, 722.115c, and 722.115f), section 5 as amended by 2006 PA 51, section 5c as added by 2005 PA 133, and section 5f as added by 2005 PA 128.

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. 844**Yeas—36**

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

Nays—1

Switalski

Excused—1

Emerson

Not Voting—0

In The Chair: Birkholz

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 bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 6291
House Bill No. 6292
House Bill No. 6293
House Bill No. 6295
House Bill No. 5553
House Bill No. 6299
House Bill No. 5872
House Bill No. 4420
House Bill No. 5901
House Bill No. 5853
House Bill No. 6395
House Bill No. 6449
House Bill No. 6267

The motion prevailed.

The following bill was read a third time:

House Bill No. 6291, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2682.

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. 845**Yeas—37**

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

Nays—0**Excused—1**

Emerson

Not Voting—0

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6292, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 276.

The question being on the passage of the bill,

Senator Hammerstrom 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. 846**Yeas—24**

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

Nays—14

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

Excused—0**Not Voting—0**

In The Chair: Birkholz

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 offered to amend the title to read as follows:

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 277.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Switalski’s statement is as follows:

I rise in opposition to House Bill No. 6292, which is part of what is generally a good package of bills, but this one, I think, we should pay particular attention to. Everybody wants to be supportive of stem cell research, especially cord cell research, which is not as controversial as embryonic stem cell research. But in our haste to support cord blood stem cell research, we should be careful to actually create good policy, which brings us to a review of the proposed tax credit for cord blood donations that are in front of us now.

Please note that the Treasury is opposed. Now, stem cell research is hugely popular out there in the world. Why would anyone be opposed to this? Well, No. 1, it costs \$13 million and our budget is seriously in the red. No. 2, why give a tax credit to encourage people to do something that they will do anyway for free? Now, we’ve done this before. We have had the NCAA and a couple of golf tournaments come to this state. They are already committed and afterward we give them a tax break. But, you know, that was only for like a \$1 million; this is \$13 million.

Now, think about this for a minute. What else would a person do with their cord blood? They are going to throw it away. It has no value to them. They will gladly sign a form and say, “Please take my cord blood cells rather than throw them in the garbage and use them for research. You don’t have to pay me to do that.” So why would we give them \$13 million to do what they will do for free?

We don't do this for any other type of donation. We don't do it for eyes or kidneys or any other internal organs. Why do it for these cord cells? And then, if we do that, how would we then say "no" to a tax credit for eyes or lungs or a heart or kidneys or skin or any other organs or body tissue, and what would the cost of that be?

So we're setting a bad precedent here. On principle, should we really be in the business of paying people for body parts, tissues, or fluids that would otherwise be burned or buried? We should be careful about this issue and defeat this bill.

The following bill was read a third time:

House Bill No. 6293, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2683.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

- 1. Amend page 1, line 1, after "(1)" by inserting "**IF FUNDING IS MADE AVAILABLE,**".

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. 847

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

"An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of

data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6295, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 88a (MCL 125.2088a), as added by 2005 PA 225.

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. 848

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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 relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The President, Lieutenant Governor Cherry, resumed the Chair.

The following bill was read a third time:

House Bill No. 5553, entitled

A bill to amend 1988 PA 57, entitled “An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies,” by amending the title and sections 5 and 9 (MCL 124.605 and 124.609), the title as amended by 1999 PA 167.

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. 849

Yeas—25

Allen	Garcia	Jacobs	Sikkema
Barcia	George	Jelinek	Stamas
Birkholz	Gilbert	Kuipers	Thomas
Bishop	Goschka	Patterson	Toy
Brown	Hammerstrom	Sanborn	Van Woerkom
Clark-Coleman	Hardiman	Schauer	Whitmer
Cropsey			

Nays—11

Basham	Cherry	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cassis	Johnson	Prusi	

Excused—0

Not Voting—2

Clarke	McManus
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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.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5553.

Senator Cassis’ statement is as follows:

I rise to explain my “no” vote on House Bill No. 5553, which would allow emergency service authorities to develop a new revenue stream for the emergency services by charging user fees for these services.

I thought that that was what our taxes are to be used for—for the health, safety, and general welfare of our public. As I understand this bill, it represents an expansion of who can charge fees, and therefore, this, in my estimation, is not in the best interest of our taxpayers. Therefore, I voted “no.”

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

The motion prevailed.

Senator Basham's statement is as follows:

I'm rising in opposition to this piece of legislation. I think it's well meaning, but there are a lot more questions to it than answers. For example, I understand that emergency services can put a strain on local budgets. I empathize with the proponents of the bill and the many townships that actually support it. My district includes Romulus; that's where the Detroit Metropolitan Airport is. I understand that the city wanted to charge people going to and from the airport because they are providing so many services that they don't get paid for. It would probably be a boom to the city, but I think it's just bad public policy.

These are tough times in Michigan. If the bill is enacted, you can have an emergency where some people might be less likely to report it and seek help if they think you'll charge them for emergency services. I think we're going down a slippery slope with this piece of legislation. There is a lot of—I know in the past there have been ice fishermen floating out on Lake St. Clair and the ice breaks away and the Coast Guard or the sheriffs or somebody might want to charge those ice fishermen for doing some crazy things—floating down Lake St. Clair or the St. Clair River on a big sheet of ice.

I think we should be about good public policy first in saving those lives. You don't want people to not report an emergency just because they don't have the ability to pay. We should be a society that is just. That means that people should receive necessary services for emergencies without the fear of being charged, or in some cases, overcharged.

I ask my colleagues to oppose this piece of legislation.

The following bill was read a third time:

House Bill No. 6299, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending sections 4401 and 4405 (MCL 487.14401 and 487.14405).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 850

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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 revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Switalski’s statement is as follows:

I hear lunch is here, but more importantly, Kirk Stadnika, who has been working in my office as an intern and is a student at Michigan State, is nearing the completion of his internship and has done a great job for me. I want to have him recognized by the Senate.

He’s getting his degree, but he’s going back and getting another bachelor’s degree next year in economics. Then he’s planning on going to law school.

He’s done a lot of great analysis of bills and issues for me. I’m going to miss him and want to wish him the best. Thank you, Kirk.

The following bill was read a third time:

House Bill No. 5872, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 20120e.

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. 851

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 8 and 17 (MCL 722.628 and 722.637), as amended by 2006 PA 256.

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. 852

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5901, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 1 (MCL 125.1651), as amended by 2005 PA 115.

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. 853

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5853, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 525 (MCL 436.1525), as amended by 2005 PA 166.

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. 854

Yeas—38

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6395, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 701 (MCL 436.1701), as amended by 2002 PA 725.

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. 855

Yeas—38

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

Cassis
Cherry
Clark-Coleman

Hammerstrom
Hardiman
Jacobs

Prusi
Sanborn

Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6449, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

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. 856

Yeas—38

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6267, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending the title and sections 3 and 37 (MCL 338.2203 and 338.2237), section 3 as amended by 1993 PA 139 and section 37 as amended by 2003 PA 87.

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. 857

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments.”.

The Senate agreed to the full title.

Senator Hammerstrom moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Hammerstrom moved that the Senate recess until 1:30 p.m. The motion prevailed, the time being 12:23 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.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 1:31 p.m.

1:42 p.m.

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

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 pro tempore, Senator Birkholz, designated Senator Jelinek as Chairperson.

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

House Bill No. 6302, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 2, 6, 7, 7a, 7b, and 8 (MCL 390.1452, 390.1456, 390.1457, 390.1457a, 390.1457b, and 390.1458), sections 2, 6, and 8 as amended and sections 7a and 7b as added by 2004 PA 595 and section 7 as amended by 2006 PA 241; and to repeal acts and parts of acts.

House Bill No. 6440, entitled

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending the title and section 3 (MCL 722.923), as amended by 2004 PA 560.

House Bill No. 5420, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2827 (MCL 333.2827).

House Bill No. 6300, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20950 (MCL 333.20950), as amended by 2000 PA 375.

House Bill No. 6309, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2844a (MCL 333.2844a), as amended by 1990 PA 149.

House Bill No. 6245, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18 (MCL 287.952, 287.953, 287.954, 287.955, 287.956, 287.957, 287.958, 287.959, 287.960, 287.961, 287.964, 287.966, 287.967, and 287.968); and to repeal acts and parts of acts.

House Bill No. 4735, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," (MCL 38.1601 to 38.1648) by adding section 41a.

House Bill No. 5545, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 3 (MCL 207.623).

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. 5947, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

Substitute (S-1).

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

1. Amend page 6, line 5, after "**SUBSECTION**" by striking out "**(2)(J)**" and inserting "**(2)(I)**".

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. 6108, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788).

Substitute (S-1).

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

1. Amend page 3, line 10, by striking out all of subparagraph *(ii)* and inserting:

"***(ii)* THE OBSOLETE PROPERTY REHABILITATION DISTRICT WAS CREATED IN APRIL 2002.**".

2. Amend page 3, line 18, by striking out all of subparagraph *(ii)* and inserting:

"***(ii)* THE OBSOLETE PROPERTY REHABILITATION DISTRICT WAS CREATED IN JANUARY 2006.**".

3. Amend page 3, following line 22, by inserting:

"**(4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, FOR ANY CERTIFICATE ISSUED AS A RESULT OF THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED SUBSECTION (3), THE EFFECTIVE DATE OF THE CERTIFICATE SHALL BE DECEMBER 31, 2006.**".

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. 4455, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2227.

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 amendments, the following bill:

House Bill No. 5389, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 109i and 109j.

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

1. Amend page 4, line 19, after "(I)" by inserting "EXCEPT AS PROVIDED IN SUBSECTION (20), FOR".
2. Amend page 10, line 6, after "COSTS." by inserting "THE COST-BENEFIT ANALYSIS REQUIRED IN THIS SUBSECTION SHALL INCLUDE AN ANALYSIS OF THE COST TO HOSPITALS WHEN THERE IS A DELAY IN A PATIENT'S DISCHARGE FROM A HOSPITAL DUE TO THE HOSPITAL'S COMPLIANCE WITH THE PROVISIONS OF THIS SECTION."

3. Amend page 12, following line 3, following subsection (19), by inserting:

"(20) THE PROVISIONS OF THIS SECTION AND SECTION 109J DO NOT APPLY AFTER DECEMBER 31, 2011.

(21) FUNDING FOR THE MI CHOICE WAIVER PROGRAM SHALL NOT BE REDUCED BELOW THE LEVEL OF RATES AND PAYMENTS IN EFFECT ON OCTOBER 1, 2006, AS A DIRECT RESULT OF THE 4 PILOT SINGLE POINT OF ENTRY AGENCIES DESIGNATED UNDER SUBSECTION (9).

(22) A SINGLE POINT OF ENTRY AGENCY FOR LONG-TERM CARE MAY ESTABLISH A MEMORANDUM OF UNDERSTANDING WITH ANY HOSPITAL WITHIN ITS DESIGNATED AREA THAT ALLOWS THE SINGLE POINT OF ENTRY AGENCY FOR LONG-TERM CARE TO RECOGNIZE AND UTILIZE AN INITIAL EVALUATION AND PRELIMINARY LONG-TERM CARE SUPPORT PLAN DEVELOPED BY THE HOSPITAL DISCHARGE PLANNER IF THOSE PLANS WERE DEVELOPED WITH THE CONSUMER, HIS OR HER GUARDIAN, OR HIS OR HER AUTHORIZED REPRESENTATIVE." 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 a substitute therefor, the following bill:

House Bill No. 5603, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5141. 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. 5750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16106 and 17211 (MCL 333.16106 and 333.17211), section 16106 as amended by 2002 PA 643.

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 amendments, the following bill:

House Bill No. 6308, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 3, 4, and 5 (MCL 52.203, 52.204, and 52.205), section 5 as amended by 1980 PA 401.

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

1. Amend page 2, line 11, after "WEIGHT," by inserting "HAIR COLOR, EYE COLOR,".
2. Amend page 2, line 21, by striking out all of section 4.
3. Amend page 3, line 1, after "WEIGHT," by inserting "HAIR COLOR, EYE COLOR,".
4. Amend page 5, line 3, after "WEIGHT," by inserting "HAIR COLOR, EYE COLOR,".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 6392, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), section 16184 as added by 2006 PA 24 and section 16185 as added by 2006 PA 25.

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. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

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:
House Bill No. 6603, entitled

A bill to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

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 amendment, the following bill:

House Bill No. 4328, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

1. Amend page 3, following line 16, by inserting:

"Enacting section 1. This amendatory act takes effect January 31, 2008."

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.

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. 6603

House Bill No. 4735

House Bill No. 6302

House Bill No. 5947

House Bill No. 5545

House Bill No. 4328

House Bill No. 6440

House Bill No. 4455

House Bill No. 5389

House Bill No. 5420

House Bill No. 5603

House Bill No. 5750

House Bill No. 6300

House Bill No. 6308

House Bill No. 6309

House Bill No. 6392

House Bill No. 6245

House Bill No. 4257

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

The following bill was read a third time:

House Bill No. 6603, entitled

A bill to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

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. 858

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4735, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," (MCL 38.1601 to 38.1648) by adding section 41a.

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. 859

Yeas—37

Allen	Cropsey	Jelinek	Schauer
Barcia	Emerson	Johnson	Scott
Basham	Garcia	Kuipers	Sikkema

Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman	Jacobs	Sanborn	Whitmer
Clarke			

Nays—1

Cassis

Excused—0**Not Voting—0**

In The Chair: Birkholz

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 Michigan department of state police retirement system; to create certain reserves and certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of the department of state police, the department of management and budget, and certain state officers; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

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

The following bill was read a third time:

House Bill No. 6302, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 2, 6, 7, 7a, 7b, and 8 (MCL 390.1452, 390.1456, 390.1457, 390.1457a, 390.1457b, and 390.1458), sections 2, 6, and 8 as amended and sections 7a and 7b as added by 2004 PA 595 and section 7 as amended by 2006 PA 241; 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. 860**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Sanborn

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 create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship board and prescribe the powers and duties of the board; and to provide for the Michigan merit award scholarship program,”.

The Senate agreed to the full title.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5947, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2006 PA 349.

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. 861

Yeas—37

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

Nays—0

Excused—1

Emerson

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5545, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending section 3 (MCL 207.623).

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. 862

Yeas—37

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

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: Sanborn

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.

The following bill was read a third time:

House Bill No. 4328, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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. 863

Yeas—23

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

Nays—14

Barcia	Clark-Coleman	Leland	Scott
Basham	Clarke	Olshove	Thomas
Brater	Jacobs	Schauer	Whitmer
Cherry	Johnson		

Excused—1

Emerson

Not Voting—0

In The Chair: Sanborn

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

"An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act."

The Senate agreed to the full title.

Protest

Senator Thomas, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4328 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Thomas' statement is as follows:

Mr. President, reluctantly I rise in opposition to the bill before us not so much because I'm opposed to the content, but because I'm opposed to not having a broader discussion about petitions in the state of Michigan. So often, as is the case in our legislative practice, we piecemeal pieces of legislation. It gives a lot of different members the opportunities to address issues in different ways, and we can all say that we got a piece of the action—a piece of the public act. But when it comes to petition signatures, the right to vote, and issues and questions of fraud, I really think that we need to have a comprehensive solution.

A federal judge has ruled as it related to the Michigan Civil Rights Initiative that there was serious wrongdoing that was done. This is an issue that this Legislature—many of us—have said we want to look at. I think that we should look at this issue in total and not piecemeal this procedure.

For that reason, since we are not going to look at the broader issue of petitions and gathering signatures and how we're doing that, I would respectfully submit that this chamber should not support this bill and that we should come back in the next Legislature and have a comprehensive approach that addresses the issue.

The President pro tempore, Senator Birkholz, resumed the Chair.

The following bill was read a third time:

House Bill No. 6440, entitled

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and section 3 (MCL 722.923), as amended by 2004 PA 560.

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. 864

Yeas—25

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

Nays—12

Barcia	Clark-Coleman	Leland	Scott
Basham	Clarke	Prusi	Thomas
Brater	Jacobs	Schauer	Whitmer

Excused—1

Emerson

Not Voting—0

In The Chair: Birkholz

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 establish the children’s ombudsman office; and to prescribe the powers and duties of the children’s ombudsman, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4455, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 2227.

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. 865

Yeas—36

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

Nays—0

Excused—1

Emerson

Not Voting—1

Hammerstrom

In The Chair: Birkholz

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of

data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5389, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109i.

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. 866

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5420, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2828 (MCL 333.2828).

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. 867

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5603, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5141.

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. 868**Yeas—37**

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

Nays—1

Cassis

Excused—0**Not Voting—0**

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5750, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16181 (MCL 333.16181), as amended by 2006 PA 398, and by adding section 2264.

The question being on the passage of the bill,

Senator Basham offered the following amendments:

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

“Sec. 12601. (1) As used in this part:

(a) “Child caring institution” and “child care center” mean those terms as defined in section 1 of ~~Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws~~ **1973 PA 116, MCL 722.111.**

(b) "County medical care facility" means that term as defined in section 20104.

(c) "Educational facility" means a building owned, leased, or under the control of a public or private school system, college, or university.

(d) "Food service establishment" means a food service establishment as defined in section ~~42904~~ **1107 OF THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1107.**

(e) "Health facility" means a health facility or agency licensed under article 17, except a home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(f) "Home for the aged" means that term as defined in section 20106.

(g) "Hospice" means that term as defined in section 20106.

(h) "Hospital long-term care unit" means that term as defined in section 20106.

~~(i) "Licensed premises" means any portion of a building, structure, room, or enclosure in which alcoholic liquor may be sold for consumption on the premises pursuant to a license issued by the Michigan liquor control commission.~~

~~(I) (j) "Meeting" means a meeting as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.262 of the Michigan Compiled Laws 1976 PA 267, MCL 15.262.~~

~~(J) (k) "Nursing home" means that term as defined in section 20109.~~

(K) "PLACE OF EMPLOYMENT" MEANS AN ENCLOSED INDOOR AREA SERVING AS THE WORK AREA FOR 1 OR MORE PERSONS EMPLOYED BY A PUBLIC OR PRIVATE EMPLOYER. PLACE OF EMPLOYMENT DOES NOT INCLUDE A STRUCTURE USED PRIMARILY AS THE RESIDENCE OF THE OWNER OR LESSEE THAT IS ALSO USED AS AN OFFICE FOR THE OWNER OR LESSEE.

~~(l) "Public body" means a public body as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976 1976 PA 267, MCL 15.262.~~

(m) "Public place", except as otherwise provided in subsection (2), means ~~both~~ **ANY** of the following:

(i) An enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, home for the aged, nursing home, county medical care facility, hospice, hospital long-term care unit, auditorium, arena, meeting room, or public conveyance.

(ii) An enclosed, indoor area which is not owned or operated by a state or local governmental agency, is used by the general public, and is 1 of the following:

(A) An educational facility.

(B) A home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(C) An auditorium.

(D) An arena.

(E) A theater.

(F) A museum.

(G) A concert hall.

(H) Any other facility during the period of its use for a performance or exhibit of the arts.

(iii) A PLACE OF EMPLOYMENT.

(n) "Smoking" or "smoke" means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

~~(2) Public place does not include a private, enclosed room or office occupied exclusively by a smoker, even if the room or enclosed office may be visited by a nonsmoker.~~

(O) "WORK AREA" MEANS A SITE WITHIN A PLACE OF EMPLOYMENT AT WHICH 1 OR MORE EMPLOYEES ARE ROUTINELY ASSIGNED TO PERFORM SERVICES FOR AN EMPLOYER.

(2) AN INDIVIDUAL SHALL NOT SMOKE IN A PUBLIC PLACE OR AT A MEETING OF A PUBLIC BODY.

(3) THE STATE OR LOCAL GOVERNMENTAL AGENCY OR THE PERSON WHO OWNS OR OPERATES A PUBLIC PLACE SHALL POST SIGNS THAT STATE THAT SMOKING IN THAT PUBLIC PLACE IS PROHIBITED.

(4) A PERSON WHO VIOLATES SUBSECTION (2) OR A STATE OR LOCAL GOVERNMENTAL AGENCY OR THE PERSON WHO OWNS OR OPERATES A PUBLIC PLACE WHO VIOLATES SUBSECTION (3) SHALL BE DIRECTED TO COMPLY WITH THIS PART AND IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$100.00 FOR A FIRST VIOLATION AND NOT MORE THAN \$500.00 FOR A SECOND OR SUBSEQUENT VIOLATION.

(5) THE DEPARTMENT SHALL ENFORCE THIS PART AND RULES PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2262(2) AND 2263. IN ADDITION TO THE CIVIL FINE AUTHORIZED UNDER SUBSECTION (4), THE DEPARTMENT MAY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2255 OR ANY OTHER APPROPRIATE ACTION AUTHORIZED BY LAW. PURSUANT TO SECTION 2235, THE DEPARTMENT MAY AUTHORIZE A LOCAL HEALTH DEPARTMENT TO ENFORCE THIS PART AND THE RULES

PROMULGATED UNDER THIS PART. A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART SHALL ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART PURSUANT TO SECTIONS 2461(2) AND 2462. IN ADDITION TO THE CIVIL FINE AUTHORIZED UNDER SUBSECTION (4), A LOCAL HEALTH DEPARTMENT MAY ENFORCE THIS PART AND THE RULES PROMULGATED UNDER THIS PART THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER APPROPRIATE ACTION AUTHORIZED BY LAW. IN ADDITION TO ANY OTHER ENFORCEMENT ACTION AUTHORIZED BY LAW, A PERSON ALLEGING A VIOLATION OF THIS PART MAY BRING A CIVIL ACTION FOR APPROPRIATE INJUNCTIVE RELIEF, IF THE PERSON HAS USED THE PUBLIC PLACE, CHILD CARING INSTITUTION, CHILD CARE CENTER, HEALTH FACILITY, OR PRIVATE PRACTICE OFFICE OF AN INDIVIDUAL WHO IS LICENSED UNDER ARTICLE 15 WITHIN 60 DAYS AFTER THE CIVIL ACTION IS FILED. THE REMEDIES UNDER THIS PART ARE INDEPENDENT AND CUMULATIVE. THE USE OF 1 REMEDY BY A PERSON SHALL NOT BAR THE USE OF OTHER LAWFUL REMEDIES BY THAT PERSON OR THE USE OF A LAWFUL REMEDY BY ANOTHER PERSON.

(6) THE DIRECTOR SHALL REPORT BIENNIALY TO THE LEGISLATURE ON THE EFFECT AND ENFORCEMENT OF THIS PART. THE REPORT SHALL INCLUDE, AT A MINIMUM, COMPLIANCE WITH SUBSECTION (3). UPON REQUEST OF THE DEPARTMENT, THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET ANNUALLY SHALL REPORT TO THE DEPARTMENT, AT A MINIMUM, A LIST OF EACH PUBLIC PLACE OWNED OR OPERATED BY THE STATE AND ITS COMPLIANCE WITH SUBSECTION (3).

(7) ~~(3)~~ In addition, article 1 contains general definitions and principles of construction applicable to all articles of this code.

PART 129. ~~FOOD SERVICE SANITATION~~ SMOKE-FREE FOOD SERVICE ESTABLISHMENTS

Sec. 12905. (1) Except as otherwise provided in this section, ~~all public areas of a food service establishment shall be nonsmoking~~ **NOT ALLOW SMOKING AND A PERSON SHALL NOT SMOKE IN A FOOD SERVICE ESTABLISHMENT.** As used in this subsection, "public area" includes, but is not limited to, a bathroom, a coatroom, and an entrance or other area used by a patron when not seated at a food service table or counter. Public area does not include the lobby, waiting room, hallways, and lounge areas of a food service establishment, but these areas are not required to be designated as smoking areas.

(2) ~~Subject to subsection (3), a food service establishment with a seating capacity of fewer than 50, whether or not it is owned and operated by a private club, and a food service establishment that is owned and operated by a private club may designate up to 75% of its seating capacity as seating for smokers. A food service establishment with a seating capacity of 50 or more that is not owned or operated by a private club may designate up to 50% of its seating capacity as seating for smokers. A food service establishment that designates seating for smokers shall clearly identify the seats for nonsmokers as nonsmoking, place the seats for nonsmokers in close proximity to each other, and locate the seats for nonsmokers so as not to discriminate against nonsmokers.~~

(3) ~~A food service establishment shall not use the definition of seating capacity and the exemption from that definition set forth in subsection (9)(e) to increase the amount of seating for smokers above 75%.~~

(2) ~~(4)~~ In addition to a food service establishment that provides its own seating, ~~subsections (1), (2), and (3) also apply~~ **SUBSECTION (1) APPLIES** to a food service establishment or group of food service establishments that are located in a shopping mall ~~where~~ **IN WHICH** the seating for the food service establishment or group of food service establishments is provided or maintained, or both, by the person who owns or operates the shopping mall. ~~As used in this subsection, "shopping mall" means a shopping center with stores facing an enclosed mall.~~

(3) ~~(5)~~ The director, or a representative of a local health department to which the director, an authorized representative of the director, has delegated responsibility for enforcement of this part shall ~~, in accordance with R 325.25902 of the Michigan administrative code,~~ inspect each food service establishment that is subject to this section. The inspecting entity shall determine compliance with this section during each inspection.

(4) ~~(6)~~ The department or a local health department shall utilize compliance or noncompliance with this section or with rules promulgated to implement this section as criteria in the ~~determination~~ **RECOMMENDATION TO THE DEPARTMENT OF AGRICULTURE** of whether to deny, suspend, limit, or revoke a license ~~pursuant to section 12907(1)~~ **ISSUED UNDER THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1101 TO 289.8111.**

(5) ~~(7)~~ Within 5 days after receipt of a written complaint of violation of this section, a local health department shall investigate the complaint to determine compliance. If a violation of this section is identified and not corrected as ordered by the local health department within 2 days after receipt of the order by the food service establishment, the local health officer may issue an order to cease food service operations until compliance with this section is achieved.

(8) ~~This section does not apply to a private facility that is serviced by a catering kitchen or to a separate room in a food service establishment that is used for private banquets. This section does not apply to a food service establishment that is owned and operated by a fraternal organization, if service is limited to members of the fraternal organization and their guests.~~

(6) SIGNS OR THE INTERNATIONAL “NO SMOKING” SYMBOL SHALL BE CLEARLY AND CONSPICUOUSLY POSTED AT THE ENTRANCE TO AND IN EVERY BUILDING OR OTHER AREA WHERE SMOKING IS PROHIBITED UNDER THIS SECTION. THE OWNER, OPERATOR, MANAGER, OR PERSON HAVING CONTROL OF THE BUILDING OR OTHER AREA SHALL POST THE SIGNAGE. THE OWNER, OPERATOR, MANAGER, OR PERSON HAVING CONTROL OF THE AREA SHALL REMOVE ALL ASHTRAYS AND OTHER SMOKING PARAPHERNALIA FROM ANY AREA WHERE SMOKING IS PROHIBITED UNDER THIS SECTION.

(7) ~~(9)~~ As used in this section:

(a) ~~“Bar” means that term as defined in section 2a of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.2a of the Michigan Compiled Laws.~~

(b) ~~“Room” means an area that is physically distinct from the main dining area of a food service establishment and from which smoke cannot pass into the main dining area.~~

(c) ~~“Seating capacity” means the actual number of seats for patrons in a food service establishment. Seating capacity does not include seats located at a bar or seats at tables that are located adjacent to a bar, if meals are not served at those tables.~~

(A) “FOOD SERVICE ESTABLISHMENT” MEANS THAT TERM AS DEFINED IN SECTION 1107 OF THE FOOD LAW OF 2000, 2000 PA 92, MCL 289.1107.

(B) “SHOPPING MALL” MEANS A SHOPPING CENTER WITH STORES FACING AN ENCLOSED MALL.

(C) ~~(4)~~ “Smoking” means the carrying by an individual of a lighted cigar, cigarette, or other lighted smoking device.”.

2. Amend page 3, following line 14, by inserting:

“Enacting section 1. (1) Sections 12603, 12604a, 12605, 12607, 12611, 12613, 12614, 12615, 12617, 12909, 12915, 21333, and 21733 of the public health code, 1978 PA 368, MCL 333.12603, 333.12604a, 333.12605, 333.12607, 333.12611, 333.12613, 333.12614, 333.12615, 333.12617, 333.12909, 333.12915, 333.21333, and 333.21733, are repealed.

(2) Section 6127 of the food law of 2000, 2000 PA 92, MCL 289.6127, is repealed.

Enacting section 2. Sections 12601 and 12905 as amended and sections 12603, 12604a, 12605, 12607, 12611, 12613, 12614, 12615, 12617, 12909, 12915, 21333, and 21733 as repealed and section 6127 of the food law of 2000 as repealed by this amendatory act do not take effect unless approved by a majority of the electors of this state voting on the question at the next general election. This question shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, sections 12601 and 12905 as amended and sections 12603, 12604a, 12605, 12607, 12611, 12613, 12614, 12615, 12617, 12909, 12915, 21333, and 21733 as repealed and section 6127 of the food law of 2000 as repealed by this amendatory act shall take effect 30 days after the general election.”.

The question being on the adoption of the amendments,

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. 6300, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20950 (MCL 333.20950), as amended by 2000 PA 375.

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. 869

Yeas—38

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

Cherry
Clark-Coleman

Hardiman
Jacobs

Sanborn

Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6308, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending sections 3, 4, and 5 (MCL 52.203, 52.204, and 52.205), section 5 as amended by 1980 PA 401.

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. 870

Yeas—38

Allen
Barcia
Basham
Birkholz
Bishop
Brater

Clarke
Cropsey
Emerson
Garcia
George
Gilbert

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas

Brown
Cassis
Cherry
Clark-Coleman

Goschka
Hammerstrom
Hardiman
Jacobs

Patterson
Prusi
Sanborn

Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 3 and 5 (MCL 52.203 and 52.205), section 5 as amended by 1980 PA 401.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 6309, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2844a (MCL 333.2844a), as amended by 1990 PA 149.

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. 871

Yeas—38

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6392, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16184 (MCL 333.16184), as added by 2006 PA 24.

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. 872**Yeas—35**

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

Nays—3

Cropsey	Patterson	Sanborn
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Excused—0**Not Voting—0**

In The Chair: Birkholz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6245, entitled

A bill to amend 2000 PA 190, entitled “Privately owned cervidae producers marketing act,” by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18 (MCL 287.952, 287.953, 287.954, 287.955, 287.956, 287.957, 287.958, 287.959, 287.960, 287.961, 287.964, 287.966, 287.967, and 287.968); 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. 873

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Emerson

In The Chair: Birkholz

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 define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide power and duties of certain state agencies and departments; and to provide for certain penalties and remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

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. 874

Yeas—25

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

Nays—12

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

Excused—0

Not Voting—1

Emerson

In The Chair: Birkholz

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.

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

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

The Senate agreed to the full title.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4257 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I rise in opposition to House Bill No. 4257. Farmland preservation is one of the most important components of our state’s second-largest industry—agriculture—but I offer some disagreement with the approach taken in this bill and must rise to speak in opposition to it.

It is true that there has been pressure on farmers and owners of land to sell to developers, particularly as farm areas become more fragmented. However, there is nothing in this bill to ensure that areas which are the most under pressure for development will be the beneficiaries of this program.

The acreage selected for this program each year will be based on a first-come, first-served basis and not based on any sort of merit or priority point system. Additionally, the effective tax rate in this bill of \$7 per acre is too low. Taxes in other Great Lakes states range from a low of \$10.55 in Ohio to a high of \$23 in Wisconsin. Michigan’s current tax rate is right in the middle, and with the budgetary situation we face in this state, why is the tax on this land so low in this bill?

Further, this bill allows landowners to withdraw from the program before the end of the 20-year contract. The bill’s penalty for early withdrawal from the program may be an insufficient deterrent to prevent a significant amount of early withdrawals and temporary use of the program for land speculation by developers.

The state’s current program for farmland preservation, PA 116, does not provide for an early withdrawal, yet PA 116 is a great success. For all of these reasons, I encourage my colleagues to oppose this bill.

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

The motion prevailed.

Senator Van Woerkom’s statement is as follows:

I just want to clear up one item that the previous speaker alluded to that has to do with who qualifies for this credit. It’s not just a first-come, first-served. With the substitute that we adopted, the person has to be within the designated area that a county puts together for farmland preservation. So there is a much tighter restriction in the substitute than what we had in the original bill.

I do urge your support.

Recess

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

The motion prevailed, the time being 3:35 p.m.

4:00 p.m.

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

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 Assistant President pro tempore, Senator Sanborn, designated Senator Jelinek as Chairperson.

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

House Bill No. 6313, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 7702, 7704, 7705, 7706, 7707, 7708, 7709, 7711, 7712, 7714, and 7717 (MCL 500.7702, 500.7704, 500.7705, 500.7706, 500.7707, 500.7708,

500.7709, 500.7711, 500.7712, 500.7714, and 500.7717), sections 7702, 7708, 7709, 7711, 7712, 7714, and 7717 as amended by 1989 PA 302, sections 7704, 7705, and 7706 as amended by 1996 PA 548, and section 7707 as added by 1982 PA 194, and by adding section 838a.

House Bill No. 5351, entitled

A bill to repeal 1941 PA 152, entitled "An act to provide for the payment of bounties for the killing of starlings and crows; and to prescribe penalties for the violation of the provisions of this act," (MCL 433.301 to 433.304).

House Bill No. 6474, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16904 and 16905 (MCL 324.16904 and 324.16905), section 16905 as amended by 2002 PA 496.

House Bill No. 6475, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16908b.

House Bill No. 6476, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16906 (MCL 324.16906), as amended by 2002 PA 496.

House Bill No. 6477, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16909a.

House Bill No. 6030, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

House Bill No. 6277, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4v (MCL 205.54v), as amended by 2002 PA 452.

House Bill No. 6278, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4q (MCL 205.94q), as amended by 2002 PA 456.

House Bill No. 6386, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6a (MCL 205.96a), as amended by 2004 PA 172.

House Bill No. 6387, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 5b (MCL 205.55b), as amended by 2004 PA 173.

House Bill No. 6187, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 233 (MCL 257.233), as amended by 2005 PA 317.

House Bill No. 6346, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811 (MCL 257.811), as amended by 2004 PA 71.

House Bill No. 6368, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 667a (MCL 257.667a), as amended by 2002 PA 534.

House Bill No. 4125, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2006 PA 380.

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. 6004, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 620, 622a, 623a, 1267, and 1274 (MCL 380.614, 380.620, 380.622a, 380.623a, 380.1267, and 380.1274), section 614 as amended by 2004 PA 419, section 620 as added by 2004 PA 413, section 622a as added by 2004 PA 412, sections 623a and 1274 as amended by 2004 PA 588, and section 1267 as amended by 2004 PA 232.

Substitute (S-3).

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

1. Amend page 24, line 12, by striking out "\$19,211.00" and inserting "\$19,653.00".
2. Amend page 30, following line 8, by inserting:

"Sec. 686. (1) An intermediate school board may make grants of money to constituent districts operating area vocational-technical education centers or to community colleges serving the intermediate district with area vocational-technical programs for the purpose of constructing area vocational-technical education buildings, for site acquisition, or for area vocational-technical education equipment, if ~~prior to granting the funds~~ **BEFORE THE GRANT IS MADE** the board of the constituent district in which the center is located contracts to receive nonresident children into the facility for a period of at least 15 years after the date of **THE** contract, or if the board of trustees of the community college contracts to receive nonresident persons on a tuition basis into the facility for a period of at least 15 years after the date of **THE** contract.

(2) The contracts **DESCRIBED IN SUBSECTION (1)** shall provide that the constituent districts or community colleges are bound to accept nonpublic school pupils and nonresident pupils into designated area vocational-technical education facilities in return for and in consideration of grants-in-aid for the construction of area vocational-technical education buildings and for the purchase of area vocational-technical education buildings, sites, and equipment.

(3) IF AN INTERMEDIATE SCHOOL DISTRICT HAS PROVIDED AT LEAST 90% OF THE FINANCIAL CONSIDERATION FOR THE ACQUISITION OR CONSTRUCTION OF AN AREA VOCATIONAL-TECHNICAL EDUCATION FACILITY, A CONSTITUENT DISTRICT MAY NOT DISPOSE OF THE FACILITY WITHOUT THE CONSENT OF THE INTERMEDIATE SCHOOL BOARD EVEN IF TITLE TO THE FACILITY IS VESTED IN THE CONSTITUENT DISTRICT."

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. 5300, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 44h.

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 amendment, the following bill:

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled "Michigan nursing scholarship act," by amending section 4 (MCL 390.1184).

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

1. Amend page 3, line 11, by striking out all of subdivision (j).

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. 5302, entitled

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

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

1. Amend page 3, line 6, by striking out all of subdivision (j).

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. 5303, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

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

1. Amend page 3, line 8, by striking out all of subdivision (j).

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. 5304, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324).

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

1. Amend page 3, line 5, by striking out all of subdivision (j).

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. 5305, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

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

1. Amend page 3, line 18, by striking out all of subdivision (j).

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. 5306, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404).

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

1. Amend page 3, line 9, by striking out all of subdivision (j).

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. 5307, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

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

1. Amend page 3, line 13, by striking out all of subdivision (j).

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. 5308, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

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

1. Amend page 2, line 25, by striking out all of subdivision (j).

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. 5309, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

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

1. Amend page 2, line 19, by striking out all of subdivision (j).

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. 4536, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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:

House Bill No. 6663, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 5 (MCL 480.15), as amended by 2005 PA 177.

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. 6098, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241; and to repeal acts and parts of acts.

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.

Recess

Senator Hammerstrom moved that the Senate recess until 6:00 p.m.
The motion prevailed, the time being 4:50 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 President, Lieutenant Governor Cherry, resumed the Chair.

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

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

House Bill No. 6663
House Bill No. 6004
House Bill No. 6098
House Bill No. 6313
House Bill No. 5351
House Bill No. 6474
House Bill No. 6475
House Bill No. 6476
House Bill No. 6477
House Bill No. 5300
House Bill No. 5301
House Bill No. 5302
House Bill No. 5303
House Bill No. 5304
House Bill No. 5305
House Bill No. 5306
House Bill No. 5307
House Bill No. 5308
House Bill No. 5309
House Bill No. 4125
House Bill No. 4536
House Bill No. 6030
House Bill No. 6277
House Bill No. 6278
House Bill No. 6386
House Bill No. 6387

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

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

House Bill No. 4796
House Bill No. 4800
House Bill No. 6663
House Bill No. 6004
House Bill No. 6098
House Bill No. 6313
House Bill No. 5351
House Bill No. 6474
House Bill No. 6475
House Bill No. 6476
House Bill No. 6477
House Bill No. 5300

- House Bill No. 5301
- House Bill No. 5302
- House Bill No. 5303
- House Bill No. 5304
- House Bill No. 5305
- House Bill No. 5306
- House Bill No. 5307
- House Bill No. 5308
- House Bill No. 5309
- House Bill No. 4125
- House Bill No. 4536
- House Bill No. 6030
- House Bill No. 6277
- House Bill No. 6278
- House Bill No. 6386
- House Bill No. 6387

The motion prevailed.

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.

The following bill was read a third time:

House Bill No. 4796, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 17 of chapter VI (MCL 766.1, 766.4, 766.5, 766.6, 766.7, 766.8, 766.9, 766.10, 766.11, 766.13, 766.14, 766.15, 766.16, and 766.17), section 4 as amended by 1994 PA 167, section 9 as amended by 1988 PA 106, and section 14 as amended by 1998 PA 520.

The question being on the passage of the bill,

Senator Cropsey offered the following substitute:

Substitute (S-5).

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. 875

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Switalski's statement is as follows:

I rise in strong opposition to these bills, which overturn the rules of evidence and 400 years of the Western legal traditions and strictures against hearsay. The essence of these two bills is that they allow one side—the prosecution—to present hearsay evidence. That is not a good thing. The state's district judges are strongly opposed to this change. The current system is just; why change it? The current system allows victims to see the accused at their local district court, the court closest to them, and see them answer the charges within two weeks of the arrest. The current system allows the accused to confront his accusers and the witnesses against them. That is a most cherished constitutional right.

In the name of efficiency and at the expense of justice, we're being asked to compromise on our most fundamental American value—our freedom. Our ancestors have passed to us a legacy that holds in check the power of the state; that most awesome power: to take away someone's liberty. Should freedom and justice be sacrificed on the altar of efficiency? And this supposed efficiency is no longer even in the bill. This supposed efficiency has been watered down until this new system will be even less efficient than our current system.

A majority of cases are disposed of at the exam level when the accused enters a plea and is sentenced to a lesser charge. The case is resolved with the victims and the witnesses saying justice done and closure achieved. Should the accused not have the right to exam witnesses, to cross-exam and establish the credibility of witnesses who might have an axe to grind, be of failing eyesight, change their testimony under oath, or admit that they didn't really personally see anything? This is an important check on the temptation of prosecutors to overcharge in the hope of pressuring the accused and their public defender, just out of law school, who got the case last night from agreeing to something they didn't do because they are afraid of being convicted of an even worse thing that they didn't do with a very heavy penalty.

The principle of justice is simple. Justify the charges and evidence in front of an impartial judge. Please vote “no” on this solution in search of a problem.

The following bill was read a third time:

House Bill No. 4800, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8311 (MCL 600.8311).

The question being on the passage of the bill,

Senator Cropsey offered the following substitute:

Substitute (S-5).

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. 876**Yeas—22**

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

Nays—16

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

Excused—0**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6663, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 5 (MCL 480.15), as amended by 2005 PA 177.

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. 877**Yeas—36**

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

Nays—2

Basham

Brater

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 promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6004, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 504a, 524, 614, 620, 622a, 623a, 634, 1267, and 1274 (MCL 380.504a, 380.524, 380.614, 380.620, 380.622a, 380.623a, 380.634, 380.1267, and 380.1274), section 504a as amended and section 524 as added by 2003 PA 179, section 614 as amended and section 634 as added by 2004 PA 419, section 620 as added by 2004 PA 413, section 622a as added by 2004 PA 412, sections 623a and 1274 as amended by 2004 PA 588, and section 1267 as amended by 2004 PA 232.

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. 878

Yeas—32

Allen
Barcia
Birkholz
Bishop
Brown
Cassis
Cherry
Clarke

Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
McManus
Olshove
Patterson
Prusi

Sanborn
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—6

Basham
Brater

Clark-Coleman
Leland

Schauer

Scott

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. Senator Van Woerkom offered to amend the title to read as follows:

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 504a, 524, 614, 620, 622a, 623a, 634, 686, 1267, and 1274 (MCL 380.504a, 380.524, 380.614, 380.620, 380.622a, 380.623a, 380.634, 380.686, 380.1267, and 380.1274), section 504a as amended and section 524 as added by 2003 PA 179, section 614 as amended and section 634 as added by 2004 PA 419, section 620 as added by 2004 PA 413, section 622a as added by 2004 PA 412, sections 623a and 1274 as amended by 2004 PA 588, and section 1267 as amended by 2004 PA 232.

The amendment to the title was adopted. The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 6098, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1915 (MCL 500.1915), as added by 1980 PA 341.

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. 879

Yeas—37

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

Nays—1

Clarke

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 classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6313, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 7702, 7704, 7705, 7706, 7707, 7708, 7709, 7711, 7712, 7714, and 7717 (MCL 500.7702, 500.7704, 500.7705, 500.7706, 500.7707, 500.7708, 500.7709, 500.7711, 500.7712, 500.7714, and 500.7717), sections 7702, 7708, 7709, 7711, 7712, 7714, and 7717 as amended by 1989 PA 302, sections 7704, 7705, and 7706 as amended by 1996 PA 548, and section 7707 as added by 1982 PA 194, and by adding section 838a.

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. 880**Yeas—38**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski

Brater
Brown
Cassis
Cherry
Clark-Coleman

Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Olshove
Patterson
Prusi
Sanborn

Thomas
Toy
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5351, entitled

A bill to repeal 1941 PA 152, entitled “An act to provide for the payment of bounties for the killing of starlings and crows; and to prescribe penalties for the violation of the provisions of this act,” (MCL 433.301 to 433.304).

The question being on the passage of the bill,

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

Roll Call No. 881**Yeas—37**

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

Nays—1

Cropsey

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. 6474, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16904 and 16905 (MCL 324.16904 and 324.16905), section 16905 as amended by 2002 PA 496.

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. 882**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6475, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 16908b.

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. 883

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6476, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 16906 (MCL 324.16906), as amended by 2002 PA 496.

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. 884

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6477, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 16909a.

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. 885

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5300, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” (MCL 125.1401 to 125.1499c) by adding section 44h.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 2, line 13, by striking out all of subdivision (j).

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. 886

Yeas—29

Allen	Cropsey	Jacobs	Sanborn
Barcia	Garcia	Jelinek	Schauer
Basham	George	Kuipers	Sikkema
Birkholz	Gilbert	McManus	Stamas
Bishop	Goschka	Olshove	Switalski
Brown	Hammerstrom	Patterson	Toy

Cassis
Cherry

Hardiman

Prusi

Van Woerkom

Nays—9

Brater
Clark-Coleman
Clarke

Emerson
Johnson

Leland
Scott

Thomas
Whitmer

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 not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled “Michigan nursing scholarship act,” by amending section 4 (MCL 390.1184).

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. 887

Yeas—29

Allen
Barcia
Basham
Birkholz
Bishop
Brown
Cassis
Cherry

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Kuipers
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—9

Brater
Clark-Coleman
Clarke

Emerson
Johnson

Leland
Scott

Thomas
Whitmer

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 establish an educational scholarship program for eligible resident students enrolled in certain nursing programs; to prescribe conditions for repayment of the scholarships; to provide for the administration of the Michigan nursing scholarship program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.”

The Senate agreed to the full title.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 5300

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 5300

The motion did not prevail, 2/3 of the members serving not voting therefor.

The following bill was read a third time:

House Bill No. 5302, entitled

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

The 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. 888

Yeas—28

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

Nays—10

Brater	Emerson	Scott	Toy
Clark-Coleman	Johnson	Thomas	Whitmer
Clarke	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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5303, entitled

A bill to amend 1964 PA 208, entitled “An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program,” by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

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. 889**Yeas—29**

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

Nays—9

Brater	Emerson	Leland	Thomas
Clark-Coleman	Johnson	Scott	Whitmer
Clarke			

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. 5304, entitled

A bill to amend 1986 PA 303, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to

prescribe the powers and duties of certain state agencies; and to provide for an appropriation,” by amending section 4 (MCL 390.1324).

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. 890

Yeas—28

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

Nays—10

Brater	Emerson	Scott	Toy
Clark-Coleman	Johnson	Thomas	Whitmer
Clarke	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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5305, entitled

A bill to amend 1986 PA 288, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies,” by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

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. 891

Yeas—29

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

Nays—9

Brater
Clark-Coleman
Clarke

Emerson
Johnson

Leland
Scott

Thomas
Whitmer

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. 5306, entitled

A bill to amend 1986 PA 273, entitled “An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies,” by amending section 4 (MCL 390.1404).

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. 892**Yeas—29**

Allen
Barcia
Basham
Birkholz
Bishop
Brown
Cassis
Cherry

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Kuipers
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—8

Brater
Clark-Coleman

Clarke
Emerson

Leland
Scott

Thomas
Whitmer

Excused—0**Not Voting—1**

Johnson

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5307, entitled

A bill to amend 1966 PA 313, entitled “An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor,” by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

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. 893

Yeas—29

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

Nays—9

Brater	Emerson	Leland	Thomas
Clark-Coleman	Johnson	Scott	Whitmer
Clarke			

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. 5308, entitled

A bill to amend 1978 PA 105, entitled “An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules,” by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

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. 894**Yeas—29**

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

Nays—9

Brater	Emerson	Leland	Thomas
Clark-Coleman	Johnson	Scott	Whitmer
Clarke			

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. 5309, entitled

A bill to amend 1976 PA 228, entitled “The legislative merit award program act,” by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

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. 895**Yeas—29**

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

Nays—9

Brater	Emerson	Leland	Thomas
Clark-Coleman	Johnson	Scott	Whitmer
Clarke			

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 scholarships to high school graduates of this state; and to prescribe the powers and duties of the Michigan higher education assistance authority.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4125, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1211 (MCL 380.1211), as amended by 2006 PA 380.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate returned to the order of

Conference Reports

House Bill No. 4315, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4315, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties,

and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:
CHAPTER IV

Sec. 6. (1) ~~In any~~ **EXCEPT AS PROVIDED UNDER SUBSECTION (4) OR (5), IN A** county where the county road system is adopted, a board of county road commissioners consisting of **NOT LESS THAN 3 members OR MORE THAN 5 MEMBERS** shall be elected by the people of the county. ~~except as provided in subsection (2). In the first instance, the~~ **THE INITIAL ROAD** commissioners shall be appointed by the county board of commissioners or elected at a general or special election called for that purpose, as ~~shall be ordered~~ **DETERMINED** by the county board of ~~commissioners~~ **COMMISSIONERS. THE COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION PROVIDE FOR STAGGERED TERMS OF OFFICE FOR THE ROAD COMMISSIONERS UNDER THIS SUBSECTION SO THAT NOT MORE THAN 2 ROAD COMMISSIONERS' TERMS OF OFFICE EXPIRE IN THE SAME YEAR.**

(2) If the road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of appointment. If the road commissioners are to be elected at a general **OR SPECIAL** election, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, shall be published by the clerk ~~in the newspaper or newspapers selected by the county board of commissioners~~ as required by section 3 of this chapter. ~~If a special election is called for the election of the road commissioners, an identical notice shall be given by the clerk, which notice shall be posted and published in those newspapers as required by section 3 of this chapter.~~

(3) The regular election of county road commissioners shall be held at the general election on the first Tuesday after the first Monday in November. The term of office of an elected county road commissioner shall commence on January 1 in the year following his or her election. The notice of the election shall be given at the time notice is given of the general election of county officers. ~~However, the~~

(4) **THE** election of county road commissioners shall not be mandatory in any county ~~which~~ **THAT** contains **ALL OR PART OF** 12 surveyed townships ~~or more, either entire or fractional~~ as determined by the government survey of the county. ~~In such county or counties~~ **EXCEPT AS PROVIDED UNDER SUBSECTION (5), IN A COUNTY UNDER THIS SUBSECTION** the county board of commissioners, ~~may,~~ by a majority of its members elect, **MAY** appoint the county road commissioners. ~~except as provided in subsection (2).~~ A county road commissioner appointed ~~in that county~~ **UNDER THIS SUBSECTION** shall not be removed from office before the expiration of his or her term of office without being given ~~due~~ written notice of the charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges. ~~In any county in which the board of road commissioners consists on August 28, 1929, of less than 3 members, the county board of commissioners, at the first regular meeting of the board after August 28, 1929, or at a special meeting called for that purpose, shall appoint additional members as may be necessary. At the time of the appointment, the county board of commissioners shall designate the date of expiration of the initial term of each commissioner appointed in that county, so that the term of a commissioner shall expire on December 31 of each even year.~~

(5) ~~(2)~~ In a county having a population of 1,500,000 or more ~~which~~ **THAT** has adopted a charter under ~~Act No. 293 of the Public Acts of 1966, being sections 45.501 to 45.521 of the Michigan Compiled Laws 1966 PA 293, MCL 45.501 TO 45.521,~~ the powers and duties ~~which~~ **THAT** are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. Funds provided to the county ~~pursuant to Act No. 51 of the Public Acts of 1951, being sections 247.651 to 247.674 of the Michigan Compiled Laws UNDER 1951 PA 51, MCL 247.651 TO 247.675,~~ shall only be expended for the purposes provided ~~for in Act No. 51 of the Public Acts of 1954 UNDER 1951 PA 51, MCL 247.651 TO 247.675.~~

(6) **IF THE COUNTY BOARD OF COMMISSIONERS PROPOSES TO ALTER THE NUMBER OF COUNTY ROAD COMMISSIONERS AS ALLOWED UNDER THIS ACT, THE COUNTY BOARD OF COMMISSIONERS SHALL HOLD NOT LESS THAN 1 PUBLIC HEARING ON THE PROPOSED CHANGE TO THE ROAD COMMISSION. THE COUNTY BOARD OF COMMISSIONERS SHALL GIVE NOTICE AS REQUIRED UNDER THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275, OF THE TIME AND PLACE OF THE PUBLIC HEARING NOT LESS THAN 28 DAYS BEFORE THE HEARING. THE COUNTY BOARD OF COMMISSIONERS SHALL ALSO PROVIDE WRITTEN NOTICE OF THE HEARING TO THE COUNTY ROAD COMMISSION AND, IF AVAILABLE, BY POSTING THE NOTICE ON THE COUNTY'S WEBSITE. THE COUNTY BOARD OF COMMISSIONERS MAY VOTE ON WHETHER TO ALTER THE NUMBER OF COUNTY ROAD COMMISSIONERS AT THE MEETING NOTICED UNDER THIS SUBSECTION.**

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and

private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

Philip LaJoy
Jacob Hoogendyk, Jr.
Glenn Anderson
Conferees for the House

Judson Gilbert II
Wayne Kuipers
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report 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 the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 896

Yeas—31

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

Nays—7

Barcia	Brown	Jelinek	Stamas
Birkholz	Garcia	Prusi	

Excused—0

Not Voting—0

In The Chair: President

House Bill No. 6606, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 6606, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

Recommends:

First: That the Senate recede from its amendments numbered 1 to 6, which read as follows:

1. Amend page 2, line 5, by striking out all of subdivision (b) and inserting:

“(b) “Assessment district” means a municipality or a combination of municipalities as described in a marketing program.”.

2. Amend page 2, line 16, after “than” by striking out “30” and inserting “25”.

3. Amend page 3, following line 8, by inserting:

“(i) “Municipality” means a city, county, village, or township.” and relettering the remaining subdivisions.

4. Amend page 4, line 15, after “levied” by striking out the balance of the line through “period,” on line 16.

5. Amend page 4, line 16, after the first “the” by striking out “county” and inserting “municipality or municipalities”.

6. Amend page 4, following line 17, by inserting:

“(4) A bureau may impose an assessment not to exceed 2% of the room charges in the applicable payment period if either of the following conditions is met:

(a) The assessment district includes a municipality having a population of more than 570,000 and less than 775,000.

(b) The assessment district includes a municipality within which is levied a 4% marketing assessment under 1980 PA 395, MCL 141.871 to 141.880.” and renumbering the remaining subsections.

Second: That the House and Senate agree to the bill as passed by the House.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

Bill Huizenga
Dave Hildenbrand
Andy Meisner
Conferees for the House

Wayne Kuipers
Jason Allen
Samuel Buzz Thomas III
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report 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 the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 897

Yeas—29

Allen	Garcia	Jelinek	Sanborn
Barcia	George	Johnson	Schauer
Birkholz	Gilbert	Kuipers	Sikkema
Bishop	Goschka	McManus	Stamas
Brater	Hammerstrom	Olshove	Thomas

Brown
Cassis
Cropsey

Hardiman
Jacobs

Patterson
Prusi

Toy
Van Woerkom

Nays—9

Basham
Cherry
Clark-Coleman

Clarke
Emerson

Leland
Scott

Switalski
Whitmer

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was announced:

House Bill No. 5750, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16181 (MCL 333.16181), as amended by 2006 PA 398, and by adding section 2264.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 2514.)

The question being on the adoption of the amendments offered by Senator Basham,
Senator Basham withdrew the amendments.

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. 898

Yeas—37

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
George
Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Nays—1

Garcia

Excused—0

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

Senator Hammerstrom moved that the following bill be given immediate effect:

House Bill No. 5306

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

Senate Concurrent Resolution No. 60.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Valley State University relative to the Grand Valley State University Padnos College of Engineering.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 899**Yeas—37**

Allen
Barcia
Basham

Cropsey
Emerson
Garcia

Jelinek
Johnson
Kuipers

Schauer
Scott
Sikkema

Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman	Jacobs	Sanborn	Whitmer
Clarke			

Nays—1

Cassis

Excused—0**Not Voting—0**

In The Chair: President

Senate Concurrent Resolution No. 64.

A concurrent resolution to revise the subtotal project costs for the Wayne State University Engineering Development Center project.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 6681, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” (MCL 42.1 to 42.34) by adding section 13a.

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

Senator Hammerstrom moved that the Committee on Senior Citizens and Veterans Affairs be discharged from further consideration of the following bill:

House Bill No. 6315, entitled

A bill to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” by amending sections 1 and 1a (MCL 35.831 and 35.831a), section 1 as amended by 2005 PA 26 and section 1a as added by 2005 PA 27.

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

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

House Bill No. 6661, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 115f, 115g, 115h, 115i, 115j, 115k, 115l, and 115m (MCL 400.115f, 400.115g, 400.115h, 400.115i, 400.115j, 400.115k, 400.115l, and 400.115m),

sections 115f and 115g as amended by 2004 PA 193, sections 115h and 115k as added by 1994 PA 238, and sections 115i, 115j, 115l, and 115m as amended by 2002 PA 648, and by adding sections 115t and 115u.

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

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bills:

House Bill No. 6076, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4w (MCL 205.54w), as amended by 2004 PA 173.

House Bill No. 6077, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4s (MCL 205.94s), as added by 1999 PA 117.

House Bill No. 4539, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 3 and 4 (MCL 207.773 and 207.774), section 3 as amended by 2004 PA 396 and section 4 as amended by 2004 PA 566.

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

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

House Bill No. 5966, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567a (MCL 600.2567a), as amended by 2002 PA 700.

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

Senator Hammerstrom moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bills:

House Bill No. 6576, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30104b.

House Bill No. 6577, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending sections 4 and 21 (MCL 325.1004 and 325.1021), section 4 as amended by 2006 PA 37, and by adding section 4a.

House Bill No. 6668, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 4101, 4105, and 4110 (MCL 324.4101, 324.4105, and 324.4110), section 4105 as amended by 2004 PA 325, and by adding sections 4112 and 4113.

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

Senator Hammerstrom moved that the Committee on Banking and Financial Institutions be discharged from further consideration of the following bill:

House Bill No. 5608, entitled

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

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

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

The House of Representatives requested the return of
House Bill No. 6323, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 12601, 12604a, 12607, 12611, 12613, 17702, 17703, 17708, 17709, 17745, 17751, and 17763 (MCL 333.7405, 333.12601, 333.12604a, 333.12607, 333.12611, 333.12613, 333.17702, 333.17703, 333.17708, 333.17709, 333.17745, 333.17751, and 333.17763), section 7405 as amended by 2004 PA 536, sections 12601 and 12613 as amended and section 12604a as added by 1988 PA 315, section 12607 as amended by 1988 PA 296, section 12611 as amended by 1993 PA 217, section 17702 as amended by 1986 PA 304, section 17703 as amended by 1992 PA 281, sections 17708, 17751, and 17763 as amended by 2005 PA 85, and section 17745 as amended by 1997 PA 186, and by adding section 17754.

Senator Hammerstrom moved that the request of the House of Representatives be granted.

The motion prevailed.

Senate Bill No. 95, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1997 PA 53.

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.

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

Senate Bill No. 162, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 521a.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 1, after "THE" by inserting "INITIAL ENHANCED".

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

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

Senate Bill No. 163, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521 (MCL 436.1521), as amended by 1998 PA 282.

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. 405, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending sections 110, 115, 202, 203, 204, and 206 (MCL 570.1110, 570.1115, 570.1202, 570.1203, 570.1204, and 570.1206), section 110 as amended by 2001 PA 151, sections 115 and 203 as amended by 1982 PA 17, and sections 202 and 206 as amended by 1981 PA 191.

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.

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

Senate Bill No. 459, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending the title and sections 104, 106, 107, 114, and 201 (MCL 570.1104, 570.1106, 570.1107, 570.1114, and 570.1201), sections 104, 106, 107, and 114 as amended by 1982 PA 17 and section 201 as amended by 1984 PA 190, and by adding section 114a.

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.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Schauer and Allen 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'm going to read a letter that came to me. Last week, I told my colleagues that there was a group out there protesting against AAA, so they've sent this letter to me.

"Dear Senator Scott:

Certainly, we are in a battle as we begin to knock down the evil and inequitable practice of insurance redlining. On Friday, December 8, 2006, Reverend Maurice L. Rudds and I were invited to the AAA headquarters to speak with AAA Vice Presidents Katherine Bryant Harrison and William A. Cilluffo. As a result of that meeting, we established clear lines of communication between the community and the company. We're doing our best to drive home the important concept of equity, fairness, and justice. We also continue to remind them that real people are behind policy account numbers and that urban dwellers are simply being squeezed in excess by gouging insurance companies.

AAA agreed and acknowledged that there are noticeable disparities and that they are certainly trying to figure out how to resolve them. Today, December 12, 2006, we will be meeting with AAA CEO Charles Podowsky and Chief Operating Officer Steve Monahan to negotiate better judgment criteria for insurance policies.

Certainly, we will go in on behalf of you with the strong vigilant message that represents your feelings in this matter. Let me be clear, we are not looking for a donation or sponsorship or an insignificant concession, but we're looking for justice.

Therefore, I'm asking you to pray during the 3 o'clock hour on Tuesday, December 12, 2006. I also ask that you stand ready and be prepared for more action in case we cannot reach a compromise. Thank you for your participation and your thoughts and prayers as we attempt to stand for what is right.

Sincerely,

Reverend Charles E. Williams II

National Action Network Detroit President

Reverend Maurice L. Rudd

Prosperity In the Hood Campaign Chair

Greater Mount Tabor Baptist Church."

Senator Schauer's statement is as follows:

Colleagues and Mr. President, I rise on behalf of the people of the 19th Senate District to memorialize the life of a fallen soldier, Lance Corporal Brent Beeler of Napoleon Township in Jackson County.

Last Thursday, December 7th, Lance Corporal Brent Beeler was killed by a gunshot to the chest while in combat in Iraq, in Al Anbar bar province. He was only 22 years old. Lance Corporal Beeler was a member of the Marine Force Reserves, 1st Battalion, 24th Marine Regiment, 4th Marine Division, based here in Lansing.

He was a graduate of Napoleon High School where he played football and kept everyone laughing. He always said he liked being part of a team and that's why he chose the Marines. From football to the Armed Forces, he dedicated his all to whatever he did. Those who knew Brent Beeler best said that he loved life in the fast lane and had a free spirit. A perfect day would have been spent listening to Hank Williams, Jr., driving with friends in his pick-up truck on their way to water ski, or spending the afternoon on dirt bikes. He had many friends, a beautiful smile, and a big heart. His principal even called him the "congeniality king."

Brent's sister Andrea remembered him fondly as both a role model and a brother. She shared this thought: "I don't think he got to do everything he wanted, but he died doing the thing he loved most."

Lance Corporal Beeler is survived by his parents Rhonda and Edward, his sister Andrea, and his grandparents. We honor the life of Lance Corporal Brent Beeler. We thank him for his service to our country and the ultimate sacrifice that he made. We offer our condolences to his family, his community, and his friends.

A moment of silence was observed in memory of Marine Lance Corporal Brent Beeler.

Senator Allen's statement is as follows:

"LET IT BE KNOWN, That it is with profound respect that we offer the highest tribute as a memorial for the life of Major Douglas E. Sloan. He made the ultimate sacrifice on behalf of our country and his loss has saddened all who had the good fortune of knowing this selfless and courageous man. On behalf of the Michigan Legislature, the citizens of Michigan, and the United States of America, we extend our deepest condolences to his family and friends. A devoted son, brother, husband, and father, his memory will live in our hearts forever.

Born to Emory and Wendy Sloan, Major Sloan was raised in Charlevoix and graduated from Charlevoix High School in 1985. He loved sports and was an active member of the football, cross country, and basketball teams. Regarded as a charismatic, outgoing, mischievous individual, Major Sloan enjoyed life to its fullest. Upon his high school graduation, he began a career in the military, serving on active duty in the Army for four years. In 1989, he started full-time with the National Guard. While pursuing academics at Western Michigan University, he enlisted in the ROTC and was commissioned into the Army upon his graduation in June 1996. Although he and his family lived in Evans Mills, New York, Major Sloan never forgot his Charlevoix roots and always made time to visit his friends and family.

In June 2004, after many years of dedicated service, Major Sloan was assigned to 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division in Fort Drum, New York, serving as the assistant operations officer and company commander. Respected and loved by his fellow soldiers because of his competence and strong work ethic, Major Sloan is also known as a soldier's soldier and was a true patriot. Major Sloan served in Afghanistan on a number of occasions showing true perseverance and loyalty to our country. Sadly, this officer's life tragically ended in the line of duty while supporting Operation Enduring Freedom in Wygal Valley, Afghanistan.

As an exemplary soldier and true patriot, Major Sloan received many awards, medals, and decorations, including the Army Commendation Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, Global Terrorism on War Service Medal, the Korea Defense Service Medal, the Armed Forces Service Medal, and the Non-commissioned Officer Professional Development Ribbon.

While no words, flags, or tributes can erase the pain felt by such a tragic loss, we know that heroes come from all walks of life and that Major Sloan gave his as a true patriot. It is the example of men like Major Douglas Sloan, who valued liberty more than life, that has kept this country strong, prosperous, and free. Major Sloan's final resting place is at Arlington National Cemetery amongst many.

IN SPECIAL TRIBUTE, Therefore, we offer this memorial tribute in remembrance of Major Douglas E. Sloan. May his family accept this tribute as a symbol of the high regard in which his memory is held by the people of the State of Michigan and the United States of America."

A moment of silence was observed in memory of Army Major Douglas E. Sloan.

Committee Reports

The Committee on Banking and Financial Institutions reported

House Bill No. 6098, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241; and to repeal acts and parts of acts.

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

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn and Stamas

Nays: Senators Olshove and Clark-Coleman

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

The Committee on Banking and Financial Institutions reported

House Bill No. 6313, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7702, 7704, 7705, 7706, 7707, 7708, 7709, 7711, 7712, 7714, and 7717 (MCL 500.7702, 500.7704, 500.7705, 500.7706, 500.7707, 500.7708, 500.7709, 500.7711, 500.7712, 500.7714, and 500.7717), sections 7702, 7708, 7709, 7711, 7712, 7714, and 7717 as amended by 1989 PA 302, sections 7704, 7705, and 7706 as amended by 1996 PA 548, and section 7707 as added by 1982 PA 194, and by adding section 838a.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas and Olshove
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
Meeting held on Tuesday, December 12, 2006, at 8:00 a.m., Room 100, Farnum Building
Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Olshove and Clark-Coleman
Excused: Senator Leland

The Committee on Natural Resources and Environmental Affairs reported
House Bill No. 5351, entitled

A bill to repeal 1941 PA 152, entitled "An act to provide for the payment of bounties for the killing of starlings and crows; and to prescribe penalties for the violation of the provisions of this act," (MCL 433.301 to 433.304).

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Brater and Basham
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported
House Bill No. 6474, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16904 and 16905 (MCL 324.16904 and 324.16905), section 16905 as amended by 2002 PA 496.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Brater and Basham
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported
House Bill No. 6475, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16908b.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Brater and Basham
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 6476, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16906 (MCL 324.16906), as amended by 2002 PA 496.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 6477, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16909a.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, December 12, 2006, at 2:05 p.m., Room 405, Capitol Building

Present: Senators Birkholz (C), Brater and Basham

Excused: Senators Patterson and Van Woerkom

The Committee on Education reported

House Bill No. 5300, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 44h.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

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

The Committee on Education reported

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled "Michigan nursing scholarship act," by amending section 4 (MCL 390.1184).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5302, entitled

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

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senator Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5303, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senator Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5304, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senator Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5305, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5306, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404).

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5307, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5308, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5309, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5310, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7b (MCL 390.1457b), as added by 2004 PA 595.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4125, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2006 PA 380.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4079, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4080, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

With the recommendation that the bill pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senators Clark-Coleman and Leland

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, December 12, 2006, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

The Committee on Finance reported

House Bill No. 4536, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: None

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

The Committee on Finance reported

House Bill No. 4647, entitled

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

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: Senator Thomas

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 6030, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 6277, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4v (MCL 205.54v), as amended by 2002 PA 452.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 6278, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4q (MCL 205.94q), as amended by 2002 PA 456.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 6386, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6a (MCL 205.96a), as amended by 2004 PA 172.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 6387, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 5b (MCL 205.55b), as amended by 2004 PA 173.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Thomas
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, December 12, 2006, at 2:35 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Cassis (C), Garcia, McManus and Thomas
Excused: Senator Brater

The Committee on Transportation reported

House Bill No. 6187, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 233 (MCL 257.233), as amended by 2005 PA 317.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 6346, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811 (MCL 257.811), as amended by 2004 PA 71.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 6368, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 667a (MCL 257.667a), as amended by 2002 PA 534.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 6663, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 5 (MCL 480.15), as amended by 2005 PA 177.

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

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka and Leland

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 12, 2006, at 1:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 12, 2006, at 1:00 p.m., Room 210, Farnum Building

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

Absent: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Timber Harvests Restrictions (HB 5453) submitted the following:

Meeting held on Wednesday, December 13, 2006, at 8:30 a.m., Room 428, Capitol Building

Present: Senators Van Woerkom, Gilbert and Brater

Scheduled Meetings

Appropriations - Thursday, December 14, 10:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, December 14, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Thursday, December 14, 8:30 a.m., Room 100, Farnum Building (373-2413)

Michigan Law Revision Commission - Monday, December 18, 1:00 p.m., Room 426, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 8:25 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 14, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate