

**No. 109**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Wednesday, December 7, 2005.

10:00 a.m.

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

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

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

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

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

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:  
 “A Prayer for Children

We pray for children

who sneak popsicles before supper,  
 who erase holes in math workbooks,  
 who throw tantrums in the grocery store, and pick at their food,  
 who like ghost stories,  
 who can never find their shoes.

And we pray for those

who stare at photographers from behind barbed wire,  
 who can't bound down the street in a new pair of sneakers,  
 who are born in places we couldn't and wouldn't be caught dead in,  
 who never go to the circus,  
 who live in an x-rated world.

We pray for children

who sleep with the dog and bury the goldfish,  
 who bring us sticky kisses and fistfuls of dandelions,  
 who get visits from the tooth fairy,  
 who hug us in a hurry and forget their lunch money.

And we pray for those

who never get dessert,  
 who have no safe blanket to drag behind them,  
 who watch their parents watch them die,  
 who can't find any bread to steal,  
 who don't have any rooms to clean up,  
 whose pictures aren't on anybody's dresser,  
 whose monsters are real.

We pray for children

who spend all of their allowance before Tuesday,  
 who shove dirty clothes under the bed and never rinse out the tub,  
 who don't like to be kissed in front of the carpool,  
 who squirm in church or temple and scream in the phone,  
 whose tears we sometimes laugh at, and  
 whose smiles can make us cry.

And we pray for those

whose nightmares come in the daytime,  
 who will eat anything,  
 who have never seen a dentist,  
 who aren't spoiled by anybody,  
 who go to bed hungry, and cry themselves to sleep,  
 who live and move, but have no being.

We pray for children who want to be carried,  
 and for those who must,

for those we never give up on and  
 for those who don't get a second chance,  
 or those we smother,  
 and for those who will grab the hand of anybody kind enough to offer it.”

Amen.

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

### Motions and Communications

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

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

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

**House Bill No. 5427, entitled**

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

The 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. 5427**

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:

**Senate Bill No. 850**

**Senate Bill No. 851**

**Senate Bill No. 852**

**Senate Bill No. 854**

**Senate Bill No. 857**

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

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Sikkema 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.

10:22 a.m.

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

During the recess, Senator Sikkema introduced the Caledonia High School Football Team, 2005 Division 3 State Champions, and Head Coach Tom Burrill; and the Rockford High School Football Team, 2005 Division 1 State Champions and Head Coach Ralph Munger, and presented both teams with a Special Tribute.

Representative Pearce and Coach Munger responded briefly.

During the recess, Senators Leland, Garcia and Goschka entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 6:  
**House Bill Nos. 4244 4855 4856 5347 5355 5356 5357 5358**

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

**House Bill Nos. 5166 5167 5168 5359 5360 5361 5362 5363 5386 5397 5448**

### Messages from the Governor

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

**Senate Bill No. 272**

**Senate Bill No. 271**

**Senate Bill No. 264**

**Senate Bill No. 274**

**Senate Bill No. 281**

**Senate Bill No. 175**

The motion prevailed.

The following messages from the Governor were received and read:

December 6, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 301, 302 and 1802 of the Occupational Code, 1980 PA 299, MCL 339.301, 339.302 and 339.1802:

#### **Board of Examiners in Mortuary Science**

Ms. Ida I. DeHaas of 3422 Las Vegas, Belmont, Michigan 49306, county of Kent, succeeding Alvin J. Foster, whose term has expired, representing the general public, for a term commencing December 6, 2005 and expiring June 30, 2008.

Mr. John E. Desmond of 2023 Haverford Drive, Troy, Michigan 48098, county of Oakland, succeeding Samuel A. Smith, whose term has expired, representing professionals, for a term commencing December 6, 2005 and expiring June 30, 2009.

Reverend Donald J. Duford, SSC, of 6763 Berwick Drive, Clarkston, Michigan 48346, county of Oakland, succeeding Kenneth E. McGraw, whose term has expired, representing the general public, for a term commencing December 6, 2005 and expiring June 30, 2007.

Mr. Stephen R. Kemp of 1758 Brandywine Drive, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Patrick Obarzanek, whose term has expired, representing professionals, for a term commencing December 6, 2005 and expiring June 30, 2009.

December 6, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Sections 16121 and 17305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17305:

#### **Michigan Board of Nursing Home Administrators**

Ms. Gail J. Clarkson of 1387 Club Drive, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding Betty M. Carlson, whose term has expired, representing nursing home administrators, for a term commencing December 6, 2005 and expiring December 31, 2008.

Ms. Susan E. Pettis of 3007 Sequoia Parkway, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Robert W. Goldsmith, whose term has expired, representing nursing home administrators, for a term commencing December 6, 2005 and expiring December 31, 2008.

Mr. Thomas D. Meyer of 200 Anderson Road, East Tawas, Michigan 48730, county of Iosco, reappointed to represent nursing home administrators, for a term commencing January 1, 2006 and expiring December 31, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

December 6, 2005

With the enactment of Public Act 225 of 2005 (2005 PA 225), the Chief Executive Officer of the Michigan Economic Development Corporation now serves as a member of Board of Directors of the Michigan Strategic Fund by virtue of that position. 2005 PA 225 also reduced by one the number of members of the Michigan Strategic Fund Board of

Directors serving at the pleasure of the Governor. Accordingly, I withdraw the following appointment previously submitted to the Michigan Senate on October 14, 2005:

**Michigan Strategic Fund Board of Directors**

Mr. James C. Epolito of 6220 Heathfield Drive, East Lansing, Michigan 48823, county of Clinton, succeeding Donald E. Jakeway, who has resigned, representing persons with knowledge, skill, and experience in the academic, business, or financial field, for a term commencing October 14, 2005 and expiring at the pleasure of the Governor.

As Chief Executive Officer of the Michigan Economic Development Corporation, Mr. Epolito now serves by operation of law as a member of the Michigan Strategic Fund Board of Directors and recently was designated as the Board's Chairperson.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 457**

The motion prevailed.

**Senate Bill No. 625, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

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. 668, entitled**

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

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

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

A bill to amend 1998 PA 381, entitled "An act to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons," by amending the title and sections 2 and 3 (MCL 289.822 and 289.823).

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

**Senate Bill No. 669, entitled**

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 4 (MCL 289.824).

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. 722, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 11 (MCL 338.2211), as amended by 2003 PA 87.

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. 723, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 721, 723, 725, 729, 732, 734, and 735 (MCL 339.601, 339.602, 339.721, 339.723, 339.725, 339.729, 339.732, 339.734, and 339.735), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, sections 721, 723, 729, 732, 734, and 735 as added by 1997 PA 10, and section 725 as amended by 1998 PA 380.

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. 724, 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 2005 PA 125.

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

**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Garcia as Chairperson.

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

**House Bill No. 5200, entitled**

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

**House Bill No. 5427, entitled**

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

The 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. 4617, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101, 20117, and 20120a (MCL 324.20101, 324.20117, and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20117 as amended and section 20120a as added by 1995 PA 71, and by adding section 20105b.

Substitute (S-4).

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

1. Amend page 5, line 5, after "**DESIGNATION.**" by striking out the balance of the line through "**IMMEDIATELY.**" on line 9 and inserting "**HOWEVER, IF A PERSON WHO IS OR MAY BE LIABLE UNDER SECTION 20126 FOR ANY CONTAMINATION ON THE PROPERTY DISAGREES WITH THE DESIGNATION, THAT PERSON MAY CONTEST SUCH DESIGNATION BY TESTING THE PROPERTY IN A TIMELY MANNER**

**AFTER OBTAINING WRITTEN NOTICE OF SUCH A DETERMINATION FROM THE DEPARTMENT AND ACCESS IS PROVIDED BY THE OWNER.”.**

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

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

**Senate Bill No. 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.

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

1. Amend page 5, line 5, after “part.” by inserting “**THE DEPARTMENT SHALL NOT GRANT A DEED UNDER THIS PART UNLESS THE LESSEE OF THE SUBJECT PROPERTY AGREES TO CANCEL THE LEASE AND RELINQUISHES ALL RIGHTS UNDER THE LEASE.**”.

2. Amend page 5, line 25, after “the” by striking out the balance of the line and inserting “**ELEVATION OF**”.

3. Amend page 6, line 5, after “**RETAIN**” by inserting “**PROPRIETARY**”.

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

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

**House Bill No. 4446, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

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

1. Amend page 6, line 16, after “(8)” by striking out “**BEFORE OBTAINING THE PATIENT’S SIGNATURE ON THE ACKNOWLEDGMENT AND CONSENT FORM AS REQUIRED UNDER THIS SUBSECTION, A PHYSICIAN OR A QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL PERFORM AN ULTRASOUND ON THE PATIENT, PROVIDE THE PATIENT WITH AN OPPORTUNITY TO VIEW THE ACTIVE ULTRASOUND IMAGE OF THE FETUS, AND OFFER TO PROVIDE THE PATIENT WITH A PHYSICAL PICTURE OF THE ULTRASOUND IMAGE OF THE FETUS.**” and inserting “**IF AT ANY TIME PRIOR TO THE PERFORMANCE OF AN ABORTION, A PATIENT UNDERGOES AN ULTRASOUND EXAMINATION, OR A PHYSICIAN DETERMINES THAT ULTRASOUND IMAGING WILL BE USED DURING THE COURSE OF A PATIENT’S ABORTION, THE PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL PROVIDE THE PATIENT WITH THE OPPORTUNITY TO VIEW, OR NOT TO VIEW, AN ACTIVE ULTRASOUND IMAGE OF THE FETUS, AND OFFER TO PROVIDE THE PATIENT WITH A PHYSICAL PICTURE OF THE ULTRASOUND IMAGE OF THE FETUS PRIOR TO THE PERFORMANCE OF THE ABORTION.**”.

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

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

**Senate Bill No. 850, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30103, 32701, 32702, and 32713 (MCL 324.30103, 324.32701, 324.32702, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59, and section 32701 as amended by 2003 PA 148, and by adding sections 32721, 32722, 32723, 32724, and 32725; and to repeal acts and parts of acts.

Substitute (S-6).

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

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

**Senate Bill No. 851, entitled**

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

Substitute (S-4).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 852, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705, 32707, and 32708 (MCL 324.32705, 324.32707, and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

Substitute (S-5).

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

1. Amend page 2, line 13, after "TO" by striking out the balance of the line through "SYSTEM" on line 15 and inserting "MAKE A LARGE QUANTITY WITHDRAWAL FROM THE WATERS OF THIS STATE".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 854, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30301, and 30304 (MCL 324.30101, 324.30102, 324.30301, and 324.30304), section 30101 as amended by 1999 PA 106, section 30102 as added by 1995 PA 59, section 30301 as amended by 2003 PA 14, and section 30304 as amended by 2004 PA 325, and by adding sections 30102a, 30104a, 30104b, 30304a, and 30304b.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 857, entitled**

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 236, entitled**

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

Substitute (S-1).

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

1. Amend page 4, following line 12, by inserting:

<p>"Michigan Technological University - general campus renovations - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$10,000,000; state building authority share \$7,499,800; Michigan Technological University share \$2,500,000; state general fund share \$200) .....</p>	100
<p>Michigan State University - chemistry building renovations/cooling towers - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$28,344,500; state building authority share \$19,999,800; Michigan State University share \$8,344,500; state general fund share \$200) .....</p>	100
<p>Saginaw Valley State University - Pioneer hall renovations - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$16,000,000; state building authority share \$11,999,800; Saginaw Valley State University share \$4,000,000; state general fund share \$200) .....</p>	100".



2. Amend page 4, following line 19, by inserting:

“Western Michigan University - Brown Hall renovations/addition - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$14,800,000; state building authority share \$9,499,800; Western Michigan University share \$5,300,000; state general fund share \$200) ..... 100”.

3. Amend page 5, line 9, after “cost” by striking out “\$15,000,000” and inserting “\$16,500,000”.

4. Amend page 5, line 11, after the first “share” by striking out “\$7,500,000” and inserting “\$9,000,000”.

5. Amend page 5, following line 12, by inserting:

“Lansing Community College - university center - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$11,000,000; state building authority share \$4,999,800; state general fund share \$200) ..... 100

Macomb Community College - health science and technology classroom building - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$12,000,000; state building authority share \$5,999,800; Macomb Community College share \$6,000,000; state general fund share \$200) ..... 100”.

6. Amend page 6, following line 12, by inserting:

“Washtenaw Community College - technical and industrial building renovations project - authorized for planning in 2005 PA 10, for design and construction (total authorized cost \$7,185,000; state building authority share \$2,999,800; Washtenaw Community College share \$4,185,000; general fund share \$200) ..... 100”.

7. Amend page 7, line 18, by striking out “1,200” and inserting “1,900” and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 31, following line 11, by inserting:

“Sec. 805. The funds appropriated in part 1 for the Michigan State University chemistry building renovations/cooling towers, the Saginaw Valley State University Pioneer hall renovations, the Western Michigan Brown hall renovations/addition, and the Lansing Community College university center project shall only be released upon approval of the planning documents and construction authorization request by the JCOS. The projects may not move into final design until JCOS approval.

Sec. 806. The funds appropriated in part 1 for the Washtenaw Community College technical and industrial building renovations project shall only be released upon approval of the planning documents and construction authorization request by the JCOS. The project may not move into final design until JCOS approval.

Sec. 807. The funds appropriated in part 1 for the Jackson Community College health program expansion and information commons project shall only be released upon approval of the total authorized cost increase request by the JCOS. The project may not move into final design until JCOS approval of the cost increase.

Sec. 808. The funds appropriated in part 1 for the Macomb Community College health science and technology classroom building shall only be released upon approval of the planning documents and construction authorization request by the JCOS. The project may not move into final design until JCOS approval.”.

9. Amend page 33, line 22, after “Sec. 1104.” by striking out “The” and inserting “(1) Subject to subsection (2), prior to June 1, 2006, the”.

10. Amend page 34, following line 7, by inserting:

“(2) If Melrose Township or the department of natural resources enters into a purchase agreement on property located on Walloon Lake in Melrose Township adjacent to state highway M-75 for the purpose of constructing a boating access site, or an individual or group of individuals acquires and transfers ownership of that property to Melrose Township or the department of natural resources for the purpose of constructing a boating access site, the prohibition in subsection (1) on the expenditure of funds appropriated to the Michigan state waterways fund in part 1 or funds appropriated to any other fund in part 1 to develop the property currently under review by the department of natural resources, which property is recognized by the department of natural resources to be the forest, mineral, and fire management property located on the main body of Walloon Lake in Bay Township, shall be extended until September 30, 2006.”.

11. Amend page 35, following line 22, by inserting:

“Sec. 1204. From the appropriations contained in part 1 for airport improvement programs, no funds shall be allocated for any runway extensions, taxiway extensions, or apron extensions at the Detroit-Willow Run airport. Further, it is the intent of the legislature that no state funds shall be expended to improve or repair the airport where the purpose of the improvement or repair is to expand the usage of the airport including, but not limited to, anything approximating a tradeport as that term is defined in the former international tradeport development authority act, former 1994 PA 325.”.

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:  
**Senate Bill No. 242, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

Substitute (S-2).

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

1. Amend page 2, following line 13, by inserting:

**“Sec. 102. DEPARTMENT OF CORRECTIONS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	100
Total interdepartmental grants and intradepartmental transfers.....		0
ADJUSTED GROSS APPROPRIATION.....	\$	100
Total federal revenues.....		0
Total local revenues.....		0
Total private revenues.....		0
Total state restricted revenues.....		0
State general fund/general purpose.....		100

**(2) EXECUTIVE**

Executive direction.....		100
GROSS APPROPRIATION.....	\$	100
Appropriated from:		
State general fund/general purpose.....	\$	100”

and renumbering all subsequent sections and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 6, following line 14, by inserting:

“Agricultural development fund ..... 5,000,000”.

3. Amend page 6, line 18, by striking out “1,000,000” and inserting “6,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 7, line 14, by striking out all of section 152 and adjusting all subtotals, totals, and section 1051 accordingly.

5. Amend page 10, following line 15, by inserting:

**“DEPARTMENT OF COMMUNITY HEALTH**

Sec. 231. The department shall keep a record of all complaints regarding the Medicare part D program made to the department by individuals dually eligible for the Medicare and Medicaid programs. Complaints that are to be recorded shall include complaints made via direct contact at a department office, by phone call, by fax, or by electronic mail. The department shall collect the following data regarding such complaints from dually eligible individuals:

- (a) The nature of their complaint.
- (b) The name of the prescription drug plan the individual is currently enrolled in.
- (c) If the complaint is in regard to obtaining a specific medication, the brand and/or generic name of the drug.

**DEPARTMENT OF CORRECTIONS**

Sec. 241. Before the department of corrections increases the capacity of existing prisons or reopens any previously closed prison beds, the department shall utilize existing vacant prison beds located at the Michigan youth correctional facility through a state contract.”

6. Amend page 13, following line 25, by inserting:

“Sec. 503. The appropriation in part 1 for the agricultural development fund shall be used for grants and loans pursuant to the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304. The money shall not be spent until after April 1, 2006. Further, it is the intent of the legislature that the \$5,000,000.00 appropriation contained in part 1 will be combined with the \$5,000,000.00 appropriation contained in section 88j(3)(h),1984 PA 270, MCL 125.2088j, to provide a total of \$10,000,000.00 from the 21st century jobs trust fund to the agricultural development fund.”

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

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

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

- House Bill No. 4617**
- House Bill No. 4446**

**Senate Bill No. 236**  
**Senate Bill No. 242**

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. 4617**
- House Bill No. 4446**
- Senate Bill No. 236**
- Senate Bill No. 242**
- House Bill No. 4317**
- House Bill No. 4798**
- House Bill No. 5023**
- House Bill No. 4920**
- House Bill No. 5057**
- House Bill No. 5025**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4617, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101 and 20120a (MCL 324.20101 and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20120a as added by 1995 PA 71.

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. 661**

**Yeas—20**

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

**Nays—16**

Basham	Cherry	George	Prusi
Bernero	Clark-Coleman	Jacobs	Schauer
Birkholz	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski

**Excused—2**

Johnson	Thomas
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**Not Voting—0**

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 Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4617 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 Schauer’s statement is as follows:

I rise to strongly oppose this bill before us. It’s unfortunate that it is being run all the way and there are such extreme differences of opinion as to whether this bill would actually accomplish the goal of protecting our environment and protecting property values. In fact, the sad irony to this is this bill would do quite the opposite of what proponents suggested it would do. This bill would make it much more difficult to assure the environmental remediation and environmental protection for property owners that the bill states that it would. It would also be detrimental to economic development efforts that are obviously critical to all of our communities. So I would strongly urge my colleagues oppose this bill.

The following bill was read a third time:

#### House Bill No. 4446, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

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. 662

Yeas—36

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

Nays—0

Excused—2

Johnson

Thomas

**Not Voting—0**

In The Chair: President

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

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

“An act to 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:

**Senate Bill No. 236, entitled**

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

The 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. 663****Yeas—36**

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

**Nays—0****Excused—2**

Johnson

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 242, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal years ending September 30, 2005 and September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 3, line 24, by striking out all of line 24 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 10, line 17, by striking out all of section 251.

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

Senator Scott offered the following amendments:

1. Amend page 2, following line 13, by inserting:

**“Sec. 102. DEPARTMENT OF CORRECTIONS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	500,000
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION.....	\$	500,000
Total federal revenues.....		0
Total local revenues.....		0
Total private revenues.....		0
Total state restricted revenues.....		0
State general fund/general purpose .....	\$	500,000

**(2) HEALTH CARE**

Hepatitis C testing and treatment.....		500,000
GROSS APPROPRIATION.....	\$	500,000

Appropriated from:

State general fund/general purpose .....	\$	500,000”
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and renumbering all subsequent sections and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 4, line 23, by striking out all of line 23 and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 12, line 24, by striking out all of section 301.

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

The question being on the passage of the bill,

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

**Roll Call No. 664**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Johnson

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4317, entitled**

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 12 (MCL 45.562).

The question being on the passage of the bill,

Senator Bishop offered the following amendment:

1. Amend page 2, line 13, after “**MCL 224.6.**” by inserting “**IN A COUNTY WITH A POPULATION OF 1,000,000 OR MORE, THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL NOT EXCEED 3 MEMBERS.**”.

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

Senator Gilbert offered the following amendment:

1. Amend page 2, line 8, after “act” by striking out the balance of the subdivision and inserting “**RELATIVE TO 1941 PA 15, MCL 49.71 TO 49.73.**”.

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. 665**

**Yeas—31**

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

**Nays—5**

Barcia  
Brown

Garcia

Prusi

Stamas

**Excused—2**

Johnson

Thomas

**Not Voting—0**

In The Chair: President

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

Senator Thomas entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4798, entitled**

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

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. 666****Yeas—37**

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

**Nays—0****Excused—1**

Johnson

**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. 5023, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 667**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties,

and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4920, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80124a, 80307, 80309, 81112, and 82105 (MCL 324.80124a, 324.80307, 324.80309, 324.81112, and 324.82105), section 80124a as added by 2003 PA 293, sections 80307, 80309, and 81112 as added by 1995 PA 58, and section 82105 as amended by 1998 PA 297.

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. 668**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Johnson

**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. 5057, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 91.

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. 669**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Johnson

**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 consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5025, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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. 670**

**Yeas—34**

Allen	Clark-Coleman	Jelinek	Schauer
Barcia	Clarke	Kuipers	Scott

Basham	Cropsey	Leland	Sikkema
Bernero	Emerson	McManus	Stamas
Birkholz	Gilbert	Olshove	Switalski
Bishop	Goschka	Patterson	Thomas
Brater	Hammerstrom	Prusi	Toy
Brown	Hardiman	Sanborn	Van Woerkom
Cherry	Jacobs		

**Nays—3**

Cassis	Garcia	George
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**Excused—1**

Johnson

**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.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 88**

The resolution consent calendar was adopted.

Senators Schauer and Hammerstrom offered the following resolution:

**Senate Resolution No. 88.**

A resolution of tribute to the Michigan Children's Trust Fund for its dedication to Michigan's children.

OUR CHILDREN, OUR LIVES

*"Children in our nation are like the canaries miners used to test the air before they went underground. How they fare is a good indication of how we rate as a society, overall."*

— Meredith Wiley

Author, *Ghosts from the Nursery*

Whereas, For over 23 years, the Michigan Children's Trust Fund has been a leader both state and nationally in the field of child abuse prevention. It is most appropriate for the members of this legislative body to extend its highest praise and commendation to them for their work over the years, leadership, and vision. They continue to keep us focused on the fact that our children are our lives and our most precious resource; and

Whereas, As the only statewide organization dedicated solely to the prevention of child abuse and neglect, the Michigan Senate is proud not only of the work of this great organization, but its role in giving birth to this prevention concept through Dr. Ray Helfer, a renown pediatrician from Michigan State University who is considered the "father of children's trust funds," which are in every state of the Union and our territories. The Michigan Children's Trust Fund has continued that proud legacy and been a place to incubate new ideas, contribute to the development and body of knowledge in the field of prevention, raise awareness and money, educate, effect policy, conduct research, but mostly, to fund and develop a community-based network of child abuse and neglect prevention programs and services; and

Whereas, Every five minutes, a child in Michigan is a victim of child abuse or neglect, and though over 350 cases are reported daily, many more are not. Child abuse and neglect cuts across all socio-economic, geographic, ethnic, and gender lines and reflects the current dramatic changes in the American family. Families are more transient and isolated from their extended families. There is an increasing number of single-parent families, and issues of substance abuse, mental illness, domestic violence, family stress, and ignorance about child rearing practices further exacerbate this problem; and

Whereas, Research has shown us that those most at risk and vulnerable are the youngest children in our society, age 6 and under—who represent more than two-thirds of all reported victims. There is also a direct correlation between the abuse and neglect perpetrated on our youngest citizens and crime and violence in later years. Further, most child abuse and neglect can be prevented, and for every \$1 spent on prevention, \$34 can be saved on the consequences of abuse, not to mention the human costs which are incalculable. Our children are our lives. How they fare is a barometer of our society, and when we grow old, we will not depend solely upon our own children, but other people's children too; and

Whereas, The Michigan Children's Trust Fund recognizes that child abuse prevention is a community responsibility and not that of any one entity. The fight against child abuse has and must be fought at multiple levels, in collaboration with many partners, including children and families, nationally, state, and locally, and with both individuals and the community/society. That is why we, the Legislature, felt it befitting to restore the state income tax check-off to the Children's Trust Fund. It was the major source of funding this great concept was predicated on, preserving the trust and also allowing Michigan citizens to help protect our most valuable natural resource—our kids; and

Whereas, Since its creation, the Michigan Children's Trust Fund generated more than \$80 million that has served over 7.5 million children and families and earned a place of distinction in the field of child abuse prevention; now, therefore, be it

Resolved by the Senate, That we hereby express official gratitude and commendation to the Michigan Children's Trust Fund in recognition of their service to children and families, state and nationally; and be it further

Resolved, That a copy of this resolution be transmitted to the Children's Trust Fund as evidence of our highest esteem.

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

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

### Introduction and Referral of Bills

Senators McManus, Kuipers, Jelinek and Garcia introduced

**Senate Bill No. 924, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74117 and 81116 (MCL 324.74117 and 324.81116), section 74117 as amended by 2003 PA 170 and section 81116 as amended by 2003 PA 111.

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

Senator Sanborn introduced

**Senate Bill No. 925, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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

Senator Cassis introduced

**Senate Bill No. 926, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 74 (MCL 125.2074), as amended by 1987 PA 278.

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

**House Bill No. 4244, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 21a.

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

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

**House Bill No. 4855, entitled**

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

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

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

**House Bill No. 4856, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

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

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

**House Bill No. 5166, entitled**

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

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

**House Bill No. 5167, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109.

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

**House Bill No. 5168, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109, and by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

**House Bill No. 5347, entitled**

A bill to amend 2000 PA 316, entitled "Michigan organic products act," by amending section 21 (MCL 286.921).

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

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

**House Bill No. 5355, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 2003 PA 92.

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

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

**House Bill No. 5356, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 6.

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

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

**House Bill No. 5357, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 21a.

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

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

**House Bill No. 5358, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

**House Bill No. 5359, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

**House Bill No. 5360, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

**House Bill No. 5361, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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



**House Bill No. 5362, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 6.

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

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

**House Bill No. 5363, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as amended by 2002 PA 616.

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

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

**House Bill No. 5386, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2004 PA 172.

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

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

**House Bill No. 5397, entitled**

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

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

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

**House Bill No. 5448, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

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

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

**Statements**

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

The motion prevailed.

Senator Brown's statement is as follows:

As time passes and generations come and go, we gain some distance from the impact of events and circumstance, and this can certainly create a healthy perspective and a new understanding of our past. It can also cause us to forget. In the case of today's red letter day, Mr. President, we must not forget. The Pearl Harbor attack of December 7, 1941, was the 9/11 wake-up call of its day. It changed the way we view the world, and it forever changed our world.

Today, Mr. President, we remember and honor the veterans of Pearl Harbor. We salute the generation of men and women who stood against the forces of imperial Japan and the Third Reich, grateful that they met the incredible challenge of their day so that we can be free in our day.

Senator Scott's statement is as follows:

I have a couple more stories to tell you from my website. This one is from Detroit. It says, "I'm a 21-year-old student who lives by myself in Detroit. I purchased a vehicle and my insurance is sky-high. I know young people are at high risk, but we still have to get around and live too. It's hard to own a vehicle at 21 and pay a rate of \$390 a month. Most 21-year-olds are in school and can barely keep up with financial stability at home."

The next one also comes from Detroit. It says, "I drive a 1999 Saturn. I was involved in a three-car accident about two years ago, which I was in the middle. The car that caused the accident fled the scene. I found out when I applied for insurance that I was considered at fault, and therefore, my insurance rate is \$297 a month, which is more than the car. I had not been involved in an accident more than 10 years before that. I think that there should be an alternative plan. I've got my policy and I'm paying too much for insurance, but too many fees are tacked on."

Senator Garcia's statement is as follows:

Often on this side of the aisle, we are frequent critics of this administration for a variety of reasons. In fact, just this morning, I was a critic of the administration for some of the things that they did with the prison Up North. But this morning, I rise to actually commend the Governor for issuing Executive Order No. 2005-27, which is remembering Pearl Harbor Day.

I think it's important that the Legislature and the administration and all of us remember this day. While many of us in this room were not born, or not anywhere near being born during that time, it was a very real event. Real people lost their lives. In fact, just this morning in the local paper, there is a story about a couple whose memories of that day were very, very fresh.

And so I think it's important that on a day like today, the administration and this Legislature, and the two different parties set aside their partisan differences and remember for a moment that day, the lives that were lost, and the sacrifices that were made that we might enjoy this freedom.

Senator Thomas' statement is as follows:

After my good colleague talked about don't get into partisan wrangling, I rise today in reaction to statements made yesterday by my good colleague from the 21st District; someone whom I've served my entire legislative career with. I was a bit surprised at the strength of his rhetoric against the Governor of this state when it comes to agriculture, and certainly, I know that he is directly involved in agriculture in Michigan and has a great deal of credibility when it comes to addressing agricultural issues. I'm just a Senator from the city of Detroit that, whether I like it or not, sits on the agriculture committee. And so I, too, have begun to learn a little bit about Michigan agriculture.

The Michigan Department of Agriculture contributes—agriculture in Michigan contributes \$59 billion annually to the state's economy, making it our state's second-largest industry. This isn't lost on the Governor. Michigan has approximately 10.1 million acres of farmland and over 53,000 farms. This, too, is not lost on our Governor. Michigan produces over 200 commodities on a commercial basis, second only to California. Our Governor is aware of that. Michigan, with the strong support of Governor Granholm, has placed a high priority on ensuring the future viability of agriculture.

Now yesterday, in the statement, we talked about the Governor's recent visit to Farm Bureau. Well, at that very convention, at that very meeting, the Governor, I believe, quite explicitly said, "Today's global economy has created," and I quote, "an opportunity for farmers, presenting a moment for us to take advantage of the global economy instead of sitting back and being victimized by global forces."

To that end, this Governor and the Michigan Department of Agriculture have been very successful in expanding the international marketplace for Michigan's agricultural products. Last year for the first time ever, Michigan exported apples to Mexico after years of effort by the Michigan apple industry to meet Mexican selling requirements. I, in fact, got to travel to Mexico and engage in one of those meetings.

Just last month, the state concluded an historic trade agreement with Cuba, expanding the limited supplies of dry beans and turkey that nation had been importing to include a diverse group of agricultural products, like apples, peaches, potatoes, and Michigan cattle. This agreement could generate as much as \$10 million more for the state over the next 18 months, and efforts are continuing to expand foreign trade.

Governor Granholm is also working to provide economic development incentives to make sure that our farmers and our agricultural processors continue to thrive. For example, we now have, through work of the Senate, Agricultural Processing Renaissance Zones in areas like Calhoun County, Ottawa County, and Ontonagon County, which help the agricultural industry establish new jobs. The Governor is also working to enhance the industry through the creation this summer of the Michigan Food Policy Council, which has brought together business, agriculture, and educational

interests. The council will offer recommendations on ways to increase economic development opportunities in Michigan's food sector, while improving agricultural production, community well-being, and public health across the state of Michigan. The goals of this council include expanding businesses and jobs across food-related sectors, increasing access to fresh and healthy Michigan-grown food for children, and promoting the purchase and consumption of Michigan-grown and Michigan-processed foods.

I would also like to make note of this last point regarding food processing in Michigan. With the diverse number of agricultural products grown in Michigan, it's the stated goal of this administration to increase the number of food-processing plants in the state and to create more jobs, and to that end, this administration has worked with the good Senator and other members of the agriculture committee to support that legislation, Senate Bill Nos. 668 and 669, to be exact. These bills have been approved by the Senate and, just yesterday, were approved in the other chamber with amendments.

Now I know that the Governor doesn't come from an agricultural background. I don't come from an agricultural background, but simply because we don't do that, doesn't mean that we don't believe in Michigan agriculture. It doesn't mean that we do not stand up every day and want to maintain the richest, healthiest agricultural environment around. So I hope my colleagues would remember that when they're going forward.

### Committee Reports

The Committee on Transportation reported

**House Bill No. 4993, entitled**

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

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 and Goschka

Nays: Senators Leland and Basham

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**House Bill No. 5333, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by repealing sections 3 and 14 (MCL 254.313 and 254.324).

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, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**House Bill No. 5339, entitled**

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

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, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 6, 2005, at 1:09 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

**Senate Bill No. 519, entitled**

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

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5145, entitled**

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

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 561, entitled**

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

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

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

Alan L. Cropsey  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4508, entitled**

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

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5054, entitled**

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

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5375, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16185.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 6, 2005, at 1:06 p.m., Room 210, Farnum Building

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

Excused: Senators Bernero and Brater

The Committee on Natural Resources and Environmental Affairs reported  
**Senate Bill No. 850, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103, 32701, 32702, and 32713 (MCL 324.30103, 324.32701, 324.32702, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59, and section 32701 as amended by 2003 PA 148, and by adding sections 32721, 32722, 32723, 32724, and 32725; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported  
**Senate Bill No. 851, entitled**

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

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported  
**Senate Bill No. 852, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705, 32707, and 32708 (MCL 324.32705, 324.32707, and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported  
**Senate Bill No. 854, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30301, and 30304 (MCL 324.30101, 324.30102, 324.30301, and 324.30304), section 30101 as amended by 1999 PA 106, section 30102 as added by 1995 PA 59, section 30301 as amended by 2003 PA 14, and section 30304 as amended by 2004 PA 325, and by adding sections 30102a, 30104a, 30104b, 30304a, and 30304b.

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.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 857, entitled**

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

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.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

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 Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, December 6, 2005, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Brater and Basham

Excused: Senator Patterson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Judiciary and Corrections submitted the following:

Meeting held on Wednesday, December 7, 2005, at 9:00 a.m., Room 402, Capitol Building

Present: Senators Cropsy (C), Brown, Garcia, Switalski and Prusi

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, December 8, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -**

**Subcommittees -**

**Capital Outlay** - Thursday, December 8, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Thursday, December 8, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**Banking and Financial Institutions** - Thursday, December 8, 12:00 noon, Room 100, Farnum Building (373-2417)

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

**Families and Human Services** - Thursday, December 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-1801)

**Local, Urban and State Affairs** - Thursday, December 8, 1:00 p.m., Room 110, Farnum Building (373-1707)

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

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 1:11 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 8, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

