

**No. 64**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Thursday, June 30, 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—excused  
Cropsey—present

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

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

Pastor Dave Cornwell of Dryden Wesleyan Church of Dryden offered the following invocation:

Heavenly Father, we thank You for this opportunity today to gather together in this session, Lord, as You've given responsibility to these men and women to serve this state and the people of it. So, Lord, we just ask that You would give guidance and direction. Help them to serve humbly with morality with a sense of knowing they are serving Your people.

So, Father, we honor You today. Bless us with the rain. Keep our people safe and, Lord, may You be honored by what is done here today and the generations to come that will be benefited by the decisions these men and women will make. So we honor You today. In Thy name we pray. 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 a respectful message be sent to the House of Representatives requesting the return of the following bill:

**Senate Bill No. 513**

The motion prevailed.

Senators McManus, Schauer, Goschka, Jelinek, Emerson and Garcia entered the Senate Chamber.

Senator Emerson moved that Senators Bernero, Brater, Leland and Thomas be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senator Clarke be excused from today's session.

The motion prevailed.

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

Senators Brater, Birkholz, Leland and Bernero entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 29:

**House Bill Nos. 4402 4617 4838 4928 4929 4963**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 30:

**House Bill Nos. 4037 4315 4316 4317 4403 4706 4733 4734 4834 4892 4930 4931 4932 4933  
4934 4935 4936 4937 4938 4957 4958 4991 4996**

The Secretary announced that the following official bills were printed on Wednesday, June 29, and are available at the legislative website:

**Senate Bill Nos. 647 648 649 658**

**House Bill Nos. 5006 5007**

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

The motion prevailed.

Senator Switalski's statement is as follows:

This is a bittersweet day for me and my office today because my legislative director Brad Comment is serving his last day with me here and is moving on to bigger and better things. So I want to read a tribute to him:

"Brad Comment was introduced to me as a Department of Education intern by Legislative Liaison Kate McAuliffe. She said Brad was about to graduate from Central Michigan University and had done a good job for the Department of Education. She thought he had a lot of promise and suggested I take a look at him.

I took a look. He was pretty green. But I also saw an earnest young man, who carried himself with a maturity beyond his age, and yet was also a good mixer. That summer, Brad volunteered for my campaign, and I got a chance to see his strong work ethic, getting up regularly for 5 a.m. literature drops, and his ability to manage and motivate people.

Brad started working for me when I entered the Senate in 2002. It was his first real job and he had a lot to learn, but he worked hard, kept his mouth shut, his nose clean, and his ears open. It wasn't long before he mastered the issues, made hundreds of contacts, and became something of an operator on the Senate floor and in the lobby. Besides all this, he entered graduate school and is working on a Master's degree in Public Administration. After two years, he was handling administrative matters flawlessly, recruiting, coordinating and supervising an impressive array of interns, making presentations to associations to support legislation to replace the School MEAP test, and explaining to the press my position on legislation issues. Best of all, he demonstrated uncommon Bi-Partisan skill by convincing a Republican Staffer, Amanda Beekman, to marry him this Fall.

So just when Brad had reached the height of his legislative powers, the true powers in Lansing plucked him from my office with a lucrative position with the Michigan Association of Counties. His days of toiling for peanuts, with a miserable ogre for a boss, have mercifully ended. His hard work has paid off. Brad is an example to interns everywhere. Seize your opportunities, make the most of them, make yourself valuable, and you will be rewarded.

This is as it should be. My office will miss Brad, but we are proud of his accomplishments and thankful for the work he has done. We now have another good friend, and enterprising young lawyer, Marie Gordon, who is a little green, but works hard and has a great example to emulate."

So, Brad, I want to thank you for your work, and I hope the Senate appreciates him as much as I have.

### Messages from the Governor

The following messages from the Governor were received and read:

June 29, 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 16121 and 18221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18221:

#### **Michigan Board of Psychology**

Mr. Robert M. Hack of 4839 Woodbine Circle, West Bloomfield, Michigan 48323, county of Oakland, succeeding Aija Lubavs, whose term has expired, representing psychologists, for a term commencing June 29, 2005 and expiring December 31, 2008.

Mr. Dane K. Ver Merris, Ed.D., of 2333 Sinclair N.E., Grand Rapids, Michigan 49505, county of Kent, succeeding Jack Haynes, whose term has expired, representing psychologists, for a term commencing June 29, 2005 and expiring December 31, 2008.

June 29, 2005

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Sections 302 and 2603 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2603:

#### **Board of Real Estate Appraisers**

Mr. Darius W. Dynkowski of 19098 Livery Court, Clinton Township, Michigan 48038, county of Macomb, succeeding Peter C. Cubba, whose term has expired, representing the general public, for a term commencing July 1, 2005 and expiring June 30, 2009.

Mr. Donn M. Fresard of 1751 Lochmoor, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding Julie Knight, whose term has expired, representing the general public, for a term commencing July 1, 2005 and expiring June 30, 2008.

Ms. Jumana Judeh of 26467 Doxtator Street, Dearborn Heights, Michigan 48127, county of Wayne, succeeding David Maturen, whose term has expired, representing certified general real estate appraisers, for a term commencing July 1, 2005 and expiring June 30, 2009.

Mr. David C. Molenaar of 879 Audubon Road, East Lansing, Michigan 48823, county of Ingham, succeeding John Craig, whose term has expired, representing certified residential real estate appraisers, for a term commencing July 1, 2005 and expiring June 30, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

### Messages from the House

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

**Senate Bill No. 356**

**Senate Bill No. 419**

The motion prevailed.

#### **Senate Bill No. 130, entitled**

A bill to require persons convicted of certain offenses to disclose those offenses before coaching youth; and to provide penalties.

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

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

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding sections 411u and 411v.

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

#### **Senate Bill No. 211, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

#### **Roll Call No. 304**

#### **Yeas—35**

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

#### **Nays—0**

#### **Excused—2**

Clarke

Thomas

**Not Voting—1**

Emerson

In The Chair: Sanborn

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

**Senate Bill No. 212, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 305****Yeas—36**

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

**Nays—0****Excused—2**

Clarke

Thomas

**Not Voting—0**

In The Chair: Sanborn

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

**Senate Bill No. 213, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 41305 (MCL 324.41305), as added by 2003 PA 270, and by adding section 41306.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 306****Yeas—36**

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

**Nays—0****Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: Sanborn

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 215, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 41311 and 41313.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 307****Yeas—36**

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

**Nays—0****Excused—2**

Clarke

Thomas

**Not Voting—0**

In The Chair: Sanborn

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

**Senate Bill No. 279, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11f, 11g, 11j, 18, 19, 20, 20j, 22a, 22b, 22d, 24, 25, 26a, 31a, 31d, 32c, 32d, 32j, 37, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 107, 147, 158b, and 164c (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1618, 388.1619, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632j, 388.1637, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1707, 388.1747, 388.1758b, and 388.1764c), sections 3, 4, 6, 11f, 11g, 11j, 19, 20, 20j, 22a, 22b, 24, 26a, 31d, 32c, 32d, 32j, 37, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, 147, and 158b as amended and section 22d as added by 2004 PA 351, sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, section 18 as amended by 2004 PA 414, section 25 as amended by 2000 PA 297, sections 31a and 98b as amended by 2004 PA 593, section 39 as amended by 2002 PA 191, and section 164c as added by 1995 PA 130, and by adding sections 26b and 32l; and to repeal acts and parts of acts.

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the

powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 11, 11a, 11j, 22a, 22b, 51a, and 51c (MCL 388.1611, 388.1611a, 388.1611j, 388.1622a, 388.1622b, 388.1651a, and 388.1651c), sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, and sections 11j, 22a, 22b, and 51c as amended by 2004 PA 351.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 308**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: Sanborn

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

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 306, entitled**

A bill to authorize the department of management and budget to convey certain parcels of state owned property in Eaton county; to prescribe conditions for the conveyances; to provide for certain powers and duties of the department of management and budget in implementing those conveyances; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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



**Roll Call No. 309**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke                      Thomas

**Not Voting—0**

In The Chair: Sanborn

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

The President, Lieutenant Governor Cherry, resumed the Chair.

**Senate Bill No. 406, entitled**

A bill to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; and to repeal acts and parts of acts.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 310**

**Yeas—33**

Allen	Cherry	Hardiman	Prusi
Barcia	Cropsey	Jacobs	Sanborn
Basham	Emerson	Jelinek	Schauer
Bernero	Garcia	Johnson	Sikkema
Birkholz	George	Kuipers	Stamas

Bishop  
Brater  
Brown  
Cassis

Gilbert  
Goschka  
Hammerstrom

McManus  
Olshove  
Patterson

Switalski  
Toy  
Van Woerkom

**Nays—3**

Clark-Coleman

Leland

Scott

**Excused—2**

Clarke

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

**Senate Bill No. 407, entitled**

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” by amending the title and sections 3, 7, and 8 (MCL 141.1053, 141.1057, and 141.1058), the title and sections 3 and 7 as amended by 2000 PA 416 and section 8 as amended by 2003 PA 109, and by adding section 16c.

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. 408, entitled**

A bill to amend 1961 PA 112, entitled “An act to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation,” by amending sections 2 and 4 (MCL 388.982 and 388.984), section 2 as amended by 2000 PA 245 and section 4 as amended by 1991 PA 64.

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

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

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

**Senate Bill No. 410, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 17a (MCL 388.1617a), as amended by 2002 PA 71.

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. 411, entitled**

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

The 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. 446, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2002 PA 621.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 1, after "**THE**" by inserting "**CENTERS FOR MEDICARE AND MEDICAID SERVICES APPROVED**".

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 311****Yeas—36**

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

**Nays—0****Excused—2**

Clarke    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 full title.

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

**Senate Bill No. 447, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109f (MCL 400.109f), as added by 2000 PA 410.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 11, after "**QUALITY**" by striking out "**ASSISTANCE**" and inserting "**ASSURANCE**".

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 312****Yeas—36**

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

**Nays—0****Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

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

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

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. 482, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2003 PA 259.

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 1996 PA 381, entitled "An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit

the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing,” by amending sections 2, 4, 13, and 15 (MCL 125.2652, 125.2654, 125.2663, and 125.2665), section 2 as amended by 2003 PA 277, section 4 as amended by 2000 PA 145, section 13 as amended by 2003 PA 259, and section 15 as amended by 2003 PA 283.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 313**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 507, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2003 PA 269.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 314****Yeas—36**

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

**Nays—0****Excused—2**

Clarke                      Thomas

**Not Voting—0**

In The Chair: President

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

Senator Birkholz moved that her name be removed as prime sponsor of the following bill:  
**Senate Bill No. 507**  
 The motion prevailed.

Senator Birkholz moved that she be named co-sponsor of the following bill:  
**Senate Bill No. 507**  
 The motion prevailed.

**Senate Bill No. 525, entitled**

A bill to amend 2003 PA 296, entitled “Michigan early stage venture investment act of 2003,” by amending sections 5 and 15 (MCL 125.2235 and 125.2245).

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 2003 PA 296, entitled “An act to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies,” by amending sections 3, 5, 15, 17, 19, and 23 (MCL 125.2233, 125.2235, 125.2245, 125.2247, 125.2249, and 125.2253).

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

The motion prevailed.

**Senate Bill No. 136, entitled**

A bill to prohibit the issuance or manufacture of false academic credentials; and to provide remedies.  
(For text of amendment, see Senate Journal No. 63, p. 1016.)

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

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

**Roll Call No. 315**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 264, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 316**

**Yeas—0**

**Nays—36**

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 266, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 317****Yeas—0****Nays—36**

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President



**Senate Bill No. 267, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 318**

**Yeas—0**

**Nays—36**

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 268, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 319**

**Yeas—0**

**Nays—36**

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 269, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 320****Yeas—0****Nays—36**

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 270, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 321**

**Yeas—0**

**Nays—35**

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

**Excused—2**

Clarke	Thomas
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**Not Voting—1**

Barcia

In The Chair: President

**Senate Bill No. 271, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 322**

**Yeas—0**

**Nays—36**

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

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

**Excused—2**

Clarke	Thomas
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**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 272, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 323****Yeas—0****Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 274, entitled**

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 324****Yeas—0****Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 273, entitled**

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2006; and to provide for the expenditures of the appropriations.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 325****Yeas—0****Nays—35**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 275, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 326****Yeas—0****Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 276, entitled**

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 327**

**Yeas—0**

**Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 277, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 328**

**Yeas—0**

**Nays—35**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas

Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Prusi	

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 278, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 329****Yeas—0****Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 280, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies;



to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 330**

**Yeas—0**

**Nays—35**

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

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

**Senate Bill No. 281, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 331**

**Yeas—0**

**Nays—35**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski

Brater  
Brown  
Cassis

Goschka  
Hammerstrom  
Hardiman

Olshove  
Patterson  
Prusi

Toy  
Van Woerkom

**Excused—3**

Clarke

Emerson

Thomas

**Not Voting—0**

In The Chair: President

**Third Reading of Bills**

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

**Senate Bill No. 540, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2002 PA 4.

The above bill was read a third time.

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. 332**

**Yeas—35**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Cropsey  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—3**

Clarke

Emerson

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. 34, entitled**

A bill to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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. 333**

**Yeas—32**

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

**Nays—3**

Cassis	Patterson	Toy
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**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

Again, I want to thank the chair of economic development for his help in moving this bill forward. This bill helps so many of our older communities that many of us represent. Many older communities have commercial areas that have become run-down to the point of blight, and without this legislation, many communities would not have the economic tools they need to assist them in the redevelopment of older areas.

We are basically being able to bring together business owners to work as a group to make improvements by establishing an official body. I'm just delighted that we have come to this day, and I urge my colleagues' support.

The following bill was read a third time:

**Senate Bill No. 599, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

The question being on the passage of the bill,  
Senator George offered the following substitute:  
Substitute (S-1).

The question being on the adoption of the substitute,  
Senator Hammerstrom moved that further consideration of the bill be postponed temporarily,  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 247, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83.

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. 334**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 601, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding sections 1230c and 1230e.

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. 335**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

Colleagues here in the State Senate, I intend to support this package of bills that was reported from the Education Committee because I believe that we ought to do all we can to protect our children from sexual predators. At the same time, I cannot forget the compelling testimony we heard in committee about the difficulties experienced by some people who are on the sex offender registry for adjudication of crimes that may not rise to the level of heinous offenses.

I know that the chairman of the Judiciary Committee has heard similar testimony, and I hope that he will continue to examine this issue so that appropriate changes can be made to the law. I do not—and I stress it—I do not want to put children at risk, but I also do not want to ruin lives because of consensual acts committed by young people. This should not follow them for the rest of their lives.

The following bill was read a third time:

**Senate Bill No. 609, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

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. 336**

**Yeas—35**

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott

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

**Nays—0**

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 610, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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. 337**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 611, entitled**

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

The 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. 338**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Emerson	Thomas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 612, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1230d.

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. 339**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke

Emerson

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. 129, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 4, line 8, after “**WORK.**” by inserting “**IF THE INDIVIDUAL INTERMITTENTLY OR SPORADICALLY WORKS WITHIN A STUDENT SAFETY ZONE, THE COURT SHALL ORDER THE INDIVIDUAL NOT TO INITIATE OR MAINTAIN CONTACT WITH ANY MINORS IN THE COURSE OF HIS OR HER EMPLOYMENT WITHIN THAT SAFETY ZONE. THIS SUBSECTION DOES NOT PROHIBIT THE COURT FROM ALLOWING CONTACT WITH ANY MINORS NAMED IN THE PROBATION ORDER FOR GOOD CAUSE SHOWN AND AS SPECIFIED IN THE PROBATION ORDER.**”.

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

Senator Leland offered the following amendment:

1. Amend page 3, line 4, after “**THAN**” by striking out “**19**” and inserting “**25**”.

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

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

Senator Hammerstrom moved that Senator Sikkema be temporarily excused from the balance of today’s session.

The motion prevailed.

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. 340**

**Yeas—33**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Cropsey  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Scott  
Stamas  
Switalski  
Toy  
Van Woerkom



**Nays—1**

Leland

**Excused—4**

Clarke

Emerson

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 605, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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. 341****Yeas—34**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis

Cherry  
Clark-Coleman  
Cropsey  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Scott  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0****Excused—4**

Clarke

Emerson

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 606, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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. 342**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Clarke	Emerson	Sikkema	Thomas
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 607, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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. 343**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Clarke

Emerson

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 608, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

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. 344**

**Yeas—35**

Allen

Barcia

Basham

Bernero

Birkholz

Bishop

Brater

Brown

Cassis

Cherry

Clark-Coleman

Cropsey

Emerson

Garcia

George

Gilbert

Goschka

Hammerstrom

Hardiman

Jacobs

Jelinek

Johnson

Kuipers

Leland

McManus

Olshove

Patterson

Prusi

Sanborn

Schauer

Scott

Kuipers

Switalski

Toy

Van Woerkom

**Nays—0**

**Excused—3**

Clarke

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 613, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15g of chapter XVII (MCL 777.15g), as added by 2002 PA 206.

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

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

“722.115F(8)(A) PUB SAF G FAILURE TO REPORT FELONY CHARGES 2”.

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. 345**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Sikkema	Thomas
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 614, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding sections 5d and 5e.

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. 346**

**Yeas—35**

Allen	Cherry	Hardiman	Prusi
Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Toy
Brown	Goschka	Olshove	Van Woerkom
Cassis	Hammerstrom	Patterson	

Nays—0

Excused—3

Clarke	Sikkema	Thomas
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 615, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding section 5c.

The question being on the passage of the bill,

Senators Johnson and Jacobs offered the following amendments:

1. Amend page 9, line 12, after “5C.” by inserting “**THE DEPARTMENT SHALL NOT ISSUE OR RENEW A CERTIFICATE OF REGISTRATION TO A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME UNDER THIS ACT WITHOUT REQUESTING A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK AS REQUIRED BY SECTION 5F AND A DEPARTMENT OF STATE POLICE ICHAT CHECK REQUIRED BY SECTION 5G.**”.

2. Amend page 10, line 21, after “SECTIONS” by striking out “5D AND 5E” and inserting “5D, 5E, 5F, AND 5G”.

3. Amend page 11, following line 13, by inserting:

**“SEC. 5F. (1) WHEN A PERSON APPLIES FOR A CERTIFICATE OF REGISTRATION TO OPERATE A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME UNDER SECTION 5, THE DEPARTMENT SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO PERFORM BOTH OF THE FOLLOWING ON THAT PERSON:**

**(A) CONDUCT A CRIMINAL HISTORY CHECK ON THE PERSON.**

**(B) CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL BUREAU OF INVESTIGATION ON THE PERSON.**

**(2) EACH PERSON APPLYING FOR A CERTIFICATE OF REGISTRATION TO OPERATE A FAMILY DAY CARE HOME OR A GROUP DAY CARE HOME SHALL GIVE WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE DEPARTMENT OF STATE POLICE TO CONDUCT A CRIMINAL HISTORY CHECK AND A CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK DESCRIBED IN SUBSECTION (1).**

**(3) THE DEPARTMENT SHALL REQUEST A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE.**

(4) WITHIN 30 DAYS AFTER RECEIVING A COMPLETE REQUEST BY THE DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL CONDUCT THE CRIMINAL HISTORY CHECK AND PROVIDE A REPORT OF THE RESULTS TO THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY RECORD INFORMATION ON THE PERSON MAINTAINED BY THE DEPARTMENT OF STATE POLICE.

(5) WITHIN 7 DAYS AFTER RECEIVING A PROPER REQUEST BY THE DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON A PERSON UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL INITIATE THE CRIMINAL RECORDS CHECK. AFTER RECEIVING THE RESULTS OF THE CRIMINAL RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THE DEPARTMENT OF STATE POLICE SHALL PROVIDE A REPORT OF THE RESULTS TO THE DEPARTMENT.

(6) THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION THAT DOES NOT EXCEED THE ACTUAL AND REASONABLE COST OF CONDUCTING THE CHECK.

(7) A PERSON TO WHOM A CERTIFICATE OF REGISTRATION HAS BEEN ISSUED UNDER THIS ACT SHALL REPORT TO THE DEPARTMENT WITHIN 7 DAYS AFTER HE OR SHE HAS BEEN CHARGED WITH A CRIME LISTED IN SECTION 1535A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1535A, OR WITHIN 7 DAYS AFTER HE OR SHE KNOWS OR SHOULD REASONABLY KNOW THAT A PERSON DESCRIBED IN SECTION 5G(1) HAS BEEN CHARGED WITH A CRIME LISTED IN SECTION 1535A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1535A.

(8) IF A PERSON REQUIRED TO REPORT UNDER THIS SECTION DOES NOT REPORT TO THE DEPARTMENT AS REQUIRED IN THIS SECTION, THAT PERSON IS GUILTY OF EITHER OF THE FOLLOWING:

(A) IF THE CRIME THAT WAS NOT REPORTED IS A FELONY, THE REGISTRANT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$2,000.00.

(B) IF THE CRIME THAT WAS NOT REPORTED IS A MISDEMEANOR, THE REGISTRANT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00.

(9) THE DEPARTMENT SHALL DELETE FROM THE REGISTRANT'S RECORDS ALL INFORMATION RELATING TO A CHARGE REQUIRED TO BE REPORTED UNDER THIS SECTION IF THE DEPARTMENT RECEIVES DOCUMENTATION OF EITHER OF THE FOLLOWING:

(A) THE PERSON HAS BEEN ACQUITTED OF A CHARGE HE OR SHE WAS REQUIRED TO REPORT UNDER THIS SECTION.

(B) A CHARGE REPORTED UNDER THIS SECTION HAS BEEN DISMISSED.

(10) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL INFORM ALL PERSONS CURRENTLY ISSUED A CERTIFICATE OF REGISTRATION AND ALL APPLICANTS FOR A CERTIFICATE OF REGISTRATION OF THE REQUIREMENT TO REPORT CERTAIN CHARGES AS REQUIRED IN THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE CHARGES.

(11) AT THE TIME THE DEPARTMENT ISSUES A CERTIFICATE OF REGISTRATION TO OPERATE A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME UNDER THIS ACT, THE DEPARTMENT SHALL NOTIFY THE REGISTRANT OF THE REQUIREMENT TO REPORT CERTAIN CHARGES AS REQUIRED IN THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE CHARGES.

(12) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL CONDUCT A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK ON ALL PERSONS CURRENTLY ISSUED A CERTIFICATE OF REGISTRATION UNDER THIS ACT TO OPERATE A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME.

**SEC. 5G. (1) WHEN A PERSON APPLIES FOR A CERTIFICATE OF REGISTRATION TO OPERATE A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME UNDER SECTION 5, THE DEPARTMENT SHALL PERFORM A BACKGROUND CHECK USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT) ON ALL PERSONS OVER 16 YEARS OF AGE RESIDING IN THE HOME IN WHICH THE FAMILY DAY CARE HOME OR GROUP DAY CARE HOME IS OPERATED. THIS SECTION DOES NOT APPLY TO A PERSON RESIDING IN THE HOME FOR A PERIOD OF NOT MORE THAN 14 DAYS.**

**(2) IF A SEARCH OF ICHAT REVEALS THAT THE PERSON DESCRIBED IN SUBSECTION (1) HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL NOT ISSUE A CERTIFICATE OF REGISTRATION TO THE APPLICANT.**

**(3) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL PERFORM AN ICHAT CHECK ON ALL PERSONS OVER 16 YEARS OF AGE RESIDING IN THE HOME IN WHICH A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME IS CURRENTLY OPERATED.”.**

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

The question being on the passage of the bill,

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

**Roll Call No. 347**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Sikkema	Thomas
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**Not Voting—0**

In The Chair: Sanborn

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

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5f, and 5g.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Johnson’s statement is as follows:

I think in looking over this legislation there is an unintended loophole, and I think it is an issue that needs to be resolved. Currently, background checks are done on household members who have a daycare center. The language in the manual that provides, if you will, the guidelines for daycare centers, particularly those that have a small number of children in them, requires or suggests a background check be done on the individuals within the daycare center. However, there is no statute that requires that.

One of the things that this amendment does is it requires that a background check be done on not just the provider of the center—not the individual running the center—but family members as well. In the event, for example, you have

an individual who perhaps has been arrested or accused or been found guilty of criminal sexual conduct and his or her spouse is running the daycare center, there is no background check required on that family member. I believe that for the safety of all children, we need to do that. That is what the amendment would require.

I don't think there is any of us who would want to send our child or our children to a home where there might be or where there is a perpetrator.

The following bill was read a third time:

**House Bill No. 4825, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 2, line 13, after "earnings" by inserting a comma and "**LESS UNREALIZED GAINS AND LOSSES**,". 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. 348**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Sikkema	Thomas
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**Not Voting—0**

In The Chair: Sanborn

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

The following bill was read a third time:

**House Bill No. 4826, entitled**

A bill to amend 1982 PA 250, entitled "Child abuse and neglect prevention act," by amending section 4 (MCL 722.604).

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. 349**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke	Sikkema	Thomas
--------	---------	--------

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to establish the state child abuse and neglect prevention board; to provide the powers and duties of the state child abuse and neglect prevention board; and to prescribe the powers and duties of certain state departments,”. The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 351, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

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. 350**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Clarke

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4275, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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. 351****Yeas—35**

Allen

Cherry

Hardiman

Prusi

Barcia

Clark-Coleman

Jacobs

Sanborn

Basham

Cropsey

Jelinek

Schauer

Bernero

Emerson

Johnson

Scott

Birkholz

Garcia

Kuipers

Stamas

Bishop

George

Leland

Switalski

Brater

Gilbert

McManus

Toy

Brown

Goschka

Olshove

Van Woerkom

Cassisi

Hammerstrom

Patterson

**Nays—0****Excused—3**

Clarke

Sikkema

Thomas

**Not Voting—0**

In The Chair: Sanborn

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

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

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

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

The Senate agreed to the full title.

Senator Thomas entered the Senate Chamber.

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

**Senate Bill No. 599, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

(This bill was read a third time earlier today, substitute offered and consideration postponed. See p. 1076.)

The question being on the adoption of the substitute offered by Senator George,

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

The question being on the passage of the bill,

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

**Roll Call No. 352**

**Yeas—23**

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

**Nays—13**

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

**Excused—2**

Clarke	Sikkema
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**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senators Stamas and Van Woerkom moved that they be named co-sponsors of the bill.

The motion prevailed.

**Protest**

Senator Jacobs, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 599 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Jacobs' statement is as follows:

I rise to oppose Senate Bill No. 599 and urge my colleagues to join me. While I am very sympathetic to the desire to ease the administrative burden on the brownfield redevelopment program, this bill simply takes the matter too far. If this bill passes, small brownfield credits will be filled on a first come-first serve basis with no oversight by our economic development professionals.

In the Legislature, we are currently debating a significant investment in our economy through either bonding or securitization. Both plans have some merits and both plans have significant oversight. So why are we about to pass a bill that will remove even the smallest shred of oversight on the small brownfield credits?

The passage of this bill will assure that on January 1, the consultants will be lined up at the door to claim this credit for numerous projects, regardless of merit. Each of those projects will be approved, and the entire amount of funding for the program will be gone in no time. This will leave several excellent projects that apply for a brownfield credit without adequate funding.

Mr. President, we need to preserve MEDC's ability to judge the merits of the projects to assure that our limited resources are utilized in the best manner.

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

Senator Sikkema entered the Senate Chamber.

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

**Senate Bill No. 525, entitled**

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 5 and 15 (MCL 125.2235 and 125.2245).

(This bill was returned from the House with a substitute earlier today, rules suspended and consideration postponed. See p. 1062.)

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

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

**Roll Call No. 353**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Clarke

**Not Voting—2**

Cassis

Jacobs

In The Chair: Sanborn

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 257, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

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

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

A bill to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending sections 525, 531, and 543 (MCL 436.1525, 436.1531, and 436.1543), section 525 as amended by 2004 PA 266 and sections 531 and 543 as amended by 2004 PA 191.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 354**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Clarke

**Not Voting—1**

Cassis

In The Chair: Sanborn

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

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 551, entitled**

A bill to amend 2004 PA 591, entitled “An act to amend 1991 PA 179, entitled “An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date,” by amending section 213 (MCL 484.2213), as amended by 2000 PA 295; and to repeal acts and parts of acts,” by repealing enacting section 1.

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

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

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

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

**Senate Bill No. 522, entitled**

A bill to amend 1925 PA 368, entitled “An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,” by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 27, after “capital” by striking out “and maintenance” and inserting a comma and “**MAINTENANCE, AND PERMITTING**”.

2. Amend page 3, line 5, after “permit.” by inserting “**IF THE 1-TIME INSTALLATION PERMIT FEE DOES NOT COVER THE REASONABLE AND ACTUAL COSTS TO THE DEPARTMENT IN ISSUING THE PERMIT, THE DEPARTMENT MAY ASSESS THE UTILITY FOR THE REMAINING BALANCE.**”.

3. Amend page 3, line 7, after “highways” by inserting a comma and “**INCLUDING THE COST OF ISSUING THE PERMIT**”.

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 355****Yeas—31**

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

**Nays—6**

Bernero	Patterson	Toy	Van Woerkom
Brater	Scott		

**Excused—1**

Clarke

**Not Voting—0**

In The Chair: Sanborn

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

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

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

**Senate Resolution No. 48**

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

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

**Senate Resolution No. 48.**

A resolution to urge the Michigan Department of Agriculture and the Michigan Department of Environmental Quality to continue participating in the Michigan Agriculture Environmental Assurance Program and promote all of Michigan agriculture's efforts to obtain verification under the program.

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

**House Concurrent Resolution No. 18.**

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

Resolved by the House of Representatives (the Senate concurring), That Joint Rule 3 of the Joint Rules of the Senate and House of Representatives be amended to read as follows:

**“Conference Committees.**

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill or resolution originated shall be chairperson of the conference committee, **EXCEPT IN THE CASE OF APPROPRIATION BILLS, THE SPEAKER OR THE SENATE MAJORITY LEADER OF THE ORIGINATING HOUSE MAY APPOINT A CHAIRPERSON FROM EITHER HOUSE.** Upon appointment of conferees by both Houses, the bill or resolution shall be referred to the conference committee. When one House amends or substitutes a bill, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred. The conference committee shall serve until the conference report has been adopted by both Houses or rejected by a House.

(b) The conference committees of the two Houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, in the House of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House the bill or resolution and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.”;

and be it further

Resolved by the House of Representatives (the Senate concurring), That Joint Rule 4 of the Joint Rules of the Senate and House of Representatives be amended to read as follows:

**“Conference Committee Clerk.**

Rule 4. The conference committee clerk shall be from the House of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each House indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel **FROM THE SAME HOUSE AS THE CHAIRPERSON** for clerks.”.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

Senators Cherry, Kuipers and Switalski were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Scott, Schauer, Hammerstrom and Van Woerkom asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

Yesterday, I received a copy of a report to the Michigan State Legislature prepared by Michigan’s Automobile Theft Prevention Authority. In 1986, the Michigan Legislature created this authority to increase public awareness of our auto theft problem and to work on identifying solutions. The Michigan Automobile Theft Prevention Authority has awarded nearly \$104 million in grants to nonprofit groups, law enforcement agencies, and prosecutors’ offices to help implement programs that focus on all aspects of the auto theft problem. These programs are working in our communities.

Since 1986, Michigan’s theft rate has fallen faster than the national theft rate. In fact, using the most recent data from 2003, Wayne County saw a staggering 17 percent reduction in auto thefts from 1997 to 1999, and from 1999-2001, a reduction of 8 percent. There was a slight increase in the two-year span 2001-2003.

The report explains that one of the major reasons the Michigan Automobile Theft Prevention Authority was created was because high auto thefts were driving the cost of auto insurance higher. Premiums for comprehensive coverage, which is the portion of an auto insurance policy which pays for the theft of a motor vehicle, were climbing steadily, and the increase was largely related to the high rate of motor vehicle thefts.

Let’s let the data speak for itself. Theft rates have declined significantly since the 1980s. The ratepayers of Michigan deserve to see some relief in their premiums. We cannot afford to let this problem continue any longer. We desperately need rate relief.

Also I gave you a flyer several months ago that the 80 percent auto theft rate in Highland Park had gone down by 80 percent, but yet our premiums have steadily increased. So I ask my colleagues to review this report and to work with me in passing legislation that will bring down insurance premiums in this state.

So, hopefully, while we are on break this summer, we will deal with this report, and hopefully, when we come back, we can finally take up some bills in the Senate.

Senator Schauer’s statement is as follows:

I would ask that everyone give me your attention so that I can share some really good news. It’s actually bad news for us here in the Senate. If you haven’t been able to see the glow on the face of this beautiful woman as she’s been sort of levitating about 10 feet in the air and has had this glow, if you haven’t figured it out, just literally a few moments ago, the Governor announced her appointment of Monica Martinez to fill a position as a commissioner with the Michigan Public Service Commission.

This will most likely be her last day in this official capacity as the Governor’s legislative liaison to the Senate. I couldn’t be happier for her. I think I speak for all of us here in saying that Monica Martinez has been not only a class individual and professional, but an incredibly competent policy analyst and liaison and representative of the Governor.

Monica, you are a great person. It couldn’t happen to a better person. We can’t wait to see you succeed and flourish in your new role with the Public Service Commission. I would also ask that my good friends on the other side of the



aisle that we consent to her appointment as quickly as possible. I'm not aware of any skeletons in her closet, so maybe you can go over and talk to the leaders over there, Monica, if you do have any.

Seriously, Monica we love you and are going to miss you. Please stay in touch with us, and God bless you in your new role.

Senator Hammerstrom's statement is as follows:

I, too, would like to offer my congratulations to Monica. When I chaired the families and mental health committee, she was the staff assigned to that. I always found her in that capacity wonderful to work with, and she's been wonderful to work with on the floor. We wish her the best.

Colleagues, today you helped move Senate Bill No. 351 along in the legislative process. You obviously recognize that this bill to register acupuncturist with the Department of Community Health is necessary to protect the health and safety of Michigan residents. I now call on the Governor to give the same attention to this bill and the litany of registration and licensure issues that have languished in the House and the Senate for the past three years, in large because of a lack of direction or position offered by this administration.

For years in this state, we had no new health care registrations or licensures because we had a Governor who was philosophically opposed. I did not agree with that position then and I don't agree with it today. I firmly believe that each proposed licensure act should be considered on the merits of providing safety for patients.

Today we have a Governor who has claimed since she took office that she supports licensing if certain criteria are met. In fact, her staff created a lengthy document that all professions seeking recognition must complete to justify any legislation. Three such professions made it through the door before the door was inexplicably closed again with no regard to public health or safety or no correlation to the application criteria, but rather lame excuses of too much work from the department and concerns over the continuing education process.

Now, is there work involved with licensing professions? Undoubtedly there is, but in each and every case, the profession is willing to self-fund this cost through their fee structure. Is continuing education difficult to monitor? Undoubtedly it could be, but over a year ago, the administration said that they would have a new proposal for continuing education and we have yet to see anything.

Michigan has become a state where you can practice any of the following professions without even minimal qualifications: acupuncturists, nutritionists, dietician, athletic trainer, lab technician, speech language pathologist, medical massage therapist, and the list goes on. While I stand here and tell you that each and every one of these deserve recognition at the state level, not necessarily. But I can tell you that at least two of these, including the one we passed today, have been repeatedly passed by the Legislature because they have proven their case in committee and here on the floor only to be stopped by the administration.

Again, I thank each and every one of you for helping move forward Senate Bill No. 351 to register acupuncturists in Michigan. This bill will protect the public from unscrupulous individuals who hold themselves out to be qualified when they are not and provide an avenue for complaints and sanctions, clearly the minimum that we should be doing to protect the public.

Senator Van Woerkom's statement is as follows:

A couple days ago, the Senator from the 35th District offered a plea on behalf of the youth facility in Baldwin. I would like to add my voice to that plea. As a Senator from a neighboring district, I know the difficulties that Lake County is facing and the huge role that facility plays in their economy. We are looking to save \$7 million in the correctional budget by closing the facility, but I'm concerned about some of the other consequences that we may see in some of our other budgets once this facility is closed. Even though we may have resolved the problem in the one budget, we may have created a bigger problem in some of our other budgets.

Lake County has the lowest per capita income in our state. Their per capita income is \$14,457. It's 35 percent below the state average for that particular county. Almost 10 percent of the wages that are earned in Lake County are earned in that facility. So to have these people out of a job is going to have a tremendous negative impact upon that county. Twenty-five percent of all the local taxes collected in that county come from that facility, so the local governments are going to get dinged big time on that.

I have concerns. I urge the conference committee, over the summer as you look at this, to take a fine-tooth comb to that budget because I'm hopeful that we can find other ways of resolving that issue. I know in speaking with the people there at the facility that if they are classified as a Level 4 instead of a Level 5 facility, they could save a million dollars right there. Now we have to find the other \$6 million somewhere.

I know, too, that Newberry faces similar types of situations in the Upper Peninsula and would certainly urge that committee to find ways of resolving this, rather than closing a whole facility. I understand that we've got to make tough decisions to balance the budget, but we should not decimate an already struggling community, which in turn will affect hundreds of other people.

In a time when Michigan has one of the highest unemployment rates in the nation and is still struggling to recover from the economic downturn, we should be looking at every option to do everything in our power to save jobs and keep whole communities off the unemployment lines.

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

The House of Representatives returned, in accordance with the request of the Senate  
**Senate Bill No. 513, entitled**

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m, 509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q, 168.509gg, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 500b as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297, and by adding sections 302a and 509hh.

Senator Hammerstrom moved to reconsider the vote by which the House substitute, as amended, was concurred in. The motion prevailed, a majority of the members serving voting therefor.

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

Senator Hammerstrom moved to reconsider the vote by which the amendment she offered to the House substitute was adopted.

The motion prevailed.

The question being on the adoption of the amendment,  
Senator Hammerstrom withdrew the amendment.

Senator Hammerstrom offered the following amendments to the substitute:

1. Amend page 2, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 31. (1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

(c) Publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.

(d) Publish indexed pamphlet copies of the registration, primary, and election laws and furnish to the various county, city, township, and village clerks a sufficient number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions. The secretary of state may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference.

(e) Prescribe and require uniform forms, notices, and supplies the secretary of state considers advisable for use in the conduct of elections and registrations.

(f) Prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of this state.

(g) Require reports from the local election officials the secretary of state considers necessary.

(h) Investigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.

(i) Publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which shall be returned to the secretary of state by the county clerks on or before the first day of December following the election. All clerks shall furnish to the secretary of state, promptly and without compensation, any further information requested of them to be used in the compilation of the legislative manual.

(j) Establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school elections officials.

(k) Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election.

(l) Establish a comprehensive training curriculum for all precinct inspectors.

(m) Create an election day dispute resolution team that has regional representatives of the department of state, which team shall appear on site, if necessary.

(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state ~~may~~ **SHALL** promulgate rules establishing uniform standards for state and local nominating, recall, and ballot question petition signatures. The standards for petition signatures may include, but need not be limited to, standards for all of the following:

(a) Determining the validity of registration of a circulator or individual signing a petition.

(b) Determining the genuineness of the signature of a circulator or individual signing a petition, **INCLUDING DIGITIZED SIGNATURES.**

(c) Proper designation of the place of registration of a circulator or individual signing a petition.”.

2. Amend page 14, line 18, after “**THE**” by inserting “**MOST RECENT**”.

3. Amend page 15, line 24, by striking out all of subsection (3).

The amendments to the substitute were adopted.

Senator Hammerstrom offered the following amendment to the substitute:

1. Amend page 23, following line 2, by inserting:

“Enacting section 1. Sections 500g and 501a of the Michigan election law, 1954 PA 116, MCL 168.500g and 168.501a, are repealed.” and renumbering the remaining enacting sections.

The amendment to the substitute was adopted.

Senator Hammerstrom offered the following amendment to the substitute:

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

~~“Sec. 501. The original registration cards shall be filed by precincts arranged either alphabetically or according to the numerical order of the houses located on each street, said file to be hereinafter termed the “precinct file”. The duplicate registration cards shall be filed alphabetically without regard to wards or precincts, said file to be hereinafter termed the “master file”. Provided, That in townships, cities and villages having not more than 1 voting precinct the duplicate “master” registrations may be dispensed with. AND SHALL BE TERMED THE “MASTER FILE”. THE MASTER FILE SHALL CONTAIN THE SIGNATURE OF EACH ELECTOR REGISTERED IN THE CITY, TOWNSHIP, OR VILLAGE, UNLESS THE CLERK OF THE JURISDICTION HAS ACCESS TO THE QUALIFIED VOTER FILE AND THE ELECTOR HAS A DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE.~~

Sec. 507. (1) A registered elector who has removed from 1 election precinct of a township, city, or village to another election precinct of the same township, city, or village and has not recorded the removal with the local clerk shall execute a transfer of registration request, listing the new residence address over his or her signature, with the election board in the precinct in which he or she is registered at the next ensuing primary or election.

(2) ~~The~~ **IF AN ELECTOR’S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE, THE** inspector of election in charge of the registration records shall compare the **DIGITIZED** signature **PROVIDED BY THE QUALIFIED VOTER FILE** with the signature ~~upon the applicant’s registration record~~ and, if the signatures correspond, then the inspector shall certify the fact by affixing his or her initials upon the request. **IF AN ELECTOR’S SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION OFFICIAL SHALL PROCESS THE TRANSFER OF REGISTRATION REQUEST IN THE SAME MANNER AS TRANSFER OF REGISTRATION REQUESTS ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING PLACE.** The applicant for transfer, after having signed an application to vote as provided in section 523, shall then be permitted to vote in the precinct for that primary or election only. The application for transfer shall be filed with the township, city, or village clerk who shall transfer the elector’s registration pursuant to the application. If the name of a street or resident house number in a township, city, or village is changed, the township, city, or village clerk shall make the change to show the proper name of the street or resident house number in the registration records and notify the county clerk of the change. It is not necessary for the elector to change his or her registration to reflect the change in order to be eligible to vote.”.

The amendment to the substitute was adopted.

Senator Hammerstrom offered the following amendments to the substitute:

1. Amend page 9, following line 24, by inserting:

“Sec. 476. (1) Upon receiving notification of the filing of the petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. The qualified voter file ~~may~~ **SHALL** be used to determine the validity of petition signatures by verifying the registration

of signers **AND THE GENUINENESS OF SIGNATURES ON PETITIONS WHEN THE QUALIFIED VOTER FILE CONTAINS DIGITIZED SIGNATURES.** If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. ~~The~~ **IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION USING THE DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE, THE** board may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision shall cooperate fully with the board in determining the validity of doubtful signatures by rechecking the signature against registration records in an expeditious and proper manner.

(2) The board of state canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass at least 2 months before the election at which the proposal is to be submitted.

(3) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials pursuant to subsection (1), the board of state canvassers shall make that document available to petitioners and challengers on a daily basis.

2. Amend page 16, following line 2, by inserting:

“Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator’s or chauffeur’s license issued to that individual pursuant to the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official. ~~If the voter registration cards are used in the precinct,~~ **IF AN ELECTOR’S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE,** the election official ~~in charge of the precinct registration file~~ shall compare the signature upon the application with the ~~DIGITIZED signature upon the registration card~~ **PROVIDED BY THE QUALIFIED VOTER FILE. IF AN ELECTOR’S SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION OFFICIAL SHALL PROCESS THE APPLICATION IN THE SAME MANNER AS APPLICATIONS ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING PLACE.** If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator’s or chauffeur’s license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification **AS REQUIRED IN SUBSECTION (1),** it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

Sec. 552. (1) The county or city clerk, after the last day specified in this act for receiving and filing nominating petitions, shall immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which he or she is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation. The county clerk shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, ~~or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine~~ **AS REQUIRED BY SUBSECTION (13). THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.** If the request has been made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. The county clerk is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the deadline for the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purported to have signed the petitions, the county clerk shall commence an investigation. Subject to subsection (13), the county clerk shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records, ~~or in some other proper manner to determine whether the signatures appearing on the petitions are valid and genuine.~~ **THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.**

(4) The clerk of a political subdivision shall cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records in an expeditious and proper manner.

(5) At least 2 business days before the county clerk makes a final determination on challenges to and sufficiency of a petition, the county clerk shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (2) or (3), the county clerk shall make that document available to petitioners and challengers on a daily basis.

(6) Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state by filing a written request with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the request may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person who filed a nominating petition and feels aggrieved by the determination of the secretary of state may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(7) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. Subject to subsection (13), the city clerk may check the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A person feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(8) Upon the filing of nominating petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for filing the petitions. The notification shall be by first-class mail. Upon the receipt of the nominating petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. Subject to subsection (13), for the purpose of determining the validity of the signatures, the board of state canvassers may cause a doubtful signature to be checked against **THE QUALIFIED VOTER FILE OR** the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the registration of or the genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation.

Subject to subsection (13), the board of state canvassers shall **VERIFY THE REGISTRATION OR THE GENUINENESS OF A SIGNATURE AS REQUIRED BY SUBSECTION (13). IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION THE BOARD SHALL** cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures on the petition with the signatures on the registration record, or in some other manner determine whether the signatures on the petition are valid and genuine. The board of state canvassers is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or the registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the deadline for filing the nominating petitions. After receiving a request from the board of state canvassers under this subsection, the clerk of a political subdivision shall cooperate fully in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner. The board of state canvassers may extend the 7-day challenge period if it finds that the challenger did not receive a copy of each petition sheet that the challenger requested from the secretary of state. The extension of the challenge deadline under this subsection does not extend another deadline under this section.

(9) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated. Before making a final determination, the board of state canvassers may consider any deficiency found on the face of the petition that does not require verification against data maintained in the qualified voter file or in the voter registration files maintained by a city or township clerk.

(10) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the board shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (8), the board of state canvassers shall make that document available to candidates and challengers on a daily basis.

(11) An official declaration of the sufficiency or insufficiency of a nominating petition shall be made by the board of state canvassers not less than 60 days before the primary election at which candidates are to be nominated. At the time of filing a nominating petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If a request is made at the time of filing the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

(12) A person who filed a nominating petition with the secretary of state and who feels aggrieved by a determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

(13) The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. **THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON A PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE. THE COUNTY CLERK OR THE BOARD OF STATE CANVASSERS SHALL CONDUCT THE SIGNATURE COMPARISON USING DIGITIZED SIGNATURES CONTAINED IN THE QUALIFIED VOTER FILE FOR THEIR RESPECTIVE INVESTIGATIONS. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE CITY OR THE TOWNSHIP CLERK SHALL COMPARE THE PETITION SIGNATURE TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

(14) Not less than 60 days before the primary election at which candidates are to be nominated, the secretary of state shall certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which he or she is a candidate.”

3. Amend page 22, following line 8, by inserting:

“Sec. 761. (1) If the clerk of a city, township, or village receives an application for an absent voter ballot from a person registered to vote in that city, township, or village and if the signature on the application agrees with the signature **FOR THE PERSON CONTAINED IN THE QUALIFIED VOTER FILE OR** on the registration card **AS REQUIRED IN SUBSECTION (2)**, the clerk immediately upon receipt of the application or, if the application is

received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. Absent voter ballots may be delivered to an applicant in person at the office of the clerk.

**(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN APPLICATION FOR AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON THE APPLICATION FOR AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

(3) ~~(2)~~ Notwithstanding section 759, providing that no absent voter applications shall be received by the clerk after 2 p.m. on the Saturday before the election, a person qualified to vote as an absent voter may apply in person at the clerk's office before 4 p.m. on a day preceding the election except Sunday or a legal holiday to vote as an absent voter. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, shall be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city, village, or township or to a hospital or similar institution, in which case the absent voter ballots shall be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

(4) ~~(3)~~ Absent voter ballots shall be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued shall bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED BY THE CLERK

Name of Voter \_\_\_\_\_ Street Address or R.R. \_\_\_\_\_  
City, Township or Village \_\_\_\_\_ County \_\_\_\_\_  
Ward \_\_\_\_\_ Precinct \_\_\_\_\_ Date of Election \_\_\_\_\_

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a qualified and registered elector of the city, township, or village named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: \_\_\_\_\_ SIGN HERE: X \_\_\_\_\_  
Signature of Absent Voter

The above form must be signed or your vote will not be counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

Signature of Person Assisting Voter \_\_\_\_\_ Street Address or R.R. \_\_\_\_\_ City, Twp., or Village \_\_\_\_\_

PRINTED NAME OF PERSON ASSISTING VOTER

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

~~(4) A clerk may use absent voter ballot envelop stock purchased before March 28, 1996 for the remainder of the 1996 calendar year if both of the following requirements are satisfied:~~

~~(a) The warning in subsection (3) that describes persons who can legally be in possession of an absent voter ballot is affixed to the outside of the envelope.~~

~~(b) All other instructions required under subsection (3) regarding persons assisting the absent voter are inserted into the absent voter ballot envelope.~~

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

Sec. 766. (1) Upon receipt from the city, township or village clerk of any envelope containing the marked ballot or ballots of an absent voter, the board of inspectors of election shall verify the legality of such vote by an examination of **A DIGITIZED SIGNATURE FOR THE ABSENT VOTER INCLUDED IN THE QUALIFIED VOTER FILE UNDER SECTION 509Q OR** the registration record **AS PROVIDED IN SUBSECTION (2)** to see that the person has not voted in person, that he is a registered voter, and that the signature on the statement agrees with the signature on the registration record; and by an examination of the statement of such voter to see that it is properly executed.

**(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

Sec. 767. If upon an examination of the envelope containing an absent voter's ballot or ballots, it is determined that the signature on the envelope does not agree sufficiently with the signature on the registration card **OR THE DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766** so as to identify the voter or if the board shall have knowledge that the person voting the ballot or ballots has died, or if it is determined by a majority of the board that such vote is illegal for any other reason, then such vote shall be rejected, and thereupon some member of the board shall, without opening the envelope, mark across the face of such envelope, "rejected as illegal", and the reason therefor. The statement shall be initialed by the chairman of the board of election inspectors. Said envelope and the ballot or ballots contained therein shall be returned to the city, township or village clerk and retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

Sec. 792a. (1) Except as otherwise provided in this subsection, the absent voter ballots in a city, township, or village that uses voting machines shall be counted by absent voter counting boards. The board of election commissioners of a city, township, or village that has 2 precincts or less or of a city that has 500,000 or more in population may decide that the absent voter ballots shall be counted in the manner provided in section 791. In a city, township, or village that does not use voting machines, the absent voter ballots may be counted by absent voter counting boards or in the same manner as is otherwise provided for precincts in which voting is not done on voting machines.

(2) The board of election commissioners shall establish the absent voter counting boards. The board of election commissioners shall determine the number of absent voter counting boards to be established and shall appoint the election inspectors to those absent voter counting boards 10 days or more before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section. The board of election commissioners shall determine the number of ballots that may be expeditiously counted by an absent voter counting board in a reasonable period of time, taking into consideration the size and complexity of the ballot to be counted pursuant to the guidelines of the secretary of state. Combined ballots shall be regarded as the number of ballots as there are sections to the ballot.

(3) If more than 1 absent voter counting board is to be used, the city, township, or village clerk shall determine the number of voting machines or the number of ballot boxes and the number of election inspectors to be used in each of the absent voter counting boards and to which absent voter counting board the absent voter ballots for each precinct



shall be assigned for counting. The clerk shall make the determination under this subsection 2 days or more before the election and shall not assign an absent voter counting board more ballots than the maximum number authorized by the board of election commissioners under subsection (2). The clerk is not required to use all of the absent voter counting boards authorized by the board of election commissioners under subsection (2).

(4) In a city, township, or village that uses absent voter counting boards under this section, absent voter ballots shall be counted in the manner provided in this section and absent voter ballots shall not be delivered to the polling places. The board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the absent voter counting place or places in which the absent voter counting board performs its duties under this section. The places shall be designated as absent voter counting places. Except as otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. If a counting place uses voting machines, the provisions of this section relating to placing of absent voter ballots on voting machines apply. More than 1 absent voter counting board may be located in 1 building.

(5) The clerk of a city, township, or village that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out their duties under this act. The supplies shall be furnished to the city, township, or village clerk in the same manner and by the same persons or agencies as for other precincts.

(6) Absent voter ballots received by the clerk before election day shall be delivered to the absent voter counting board by the clerk at the time the election inspectors of the absent voter counting boards report for duty, which time shall be established by the board of election commissioners. Absent voter ballots received by the clerk on election day shall be delivered to the absent voter counting boards before the time set for the closing of the polls. Absent voter ballots shall be delivered to the absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk. Written or stamped on each of the return envelopes shall be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards **OR THE DIGITIZED SIGNATURES OF VOTERS CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766**. If a signature on the registration card **OR A DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE** and on the absent voter ballot return envelope does not agree **AS PROVIDED UNDER SECTION 766**, if the absent voter failed to sign the envelope, or if the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" shall not be delivered to the absent voter counting board but shall be preserved by the clerk until other ballots are destroyed in the manner provided in this act. The clerk shall also comply with section 765(5).

(7) At the time of issuing or mailing absent voter ballots to qualified applicants, the clerk of a city, township, or village that uses absent voter counting boards shall mark the letters "A.V." and the date of election on the registration card of the applicant in the precinct registration file.

(8) This chapter does not prohibit an absent voter from voting in person within the voter's precinct at an election, notwithstanding that the voter may have applied for an absent voter ballot and the ballot may have been mailed or otherwise delivered to the voter. The voter, the election inspectors, and other election officials shall proceed in the manner prescribed in section 769. The clerk shall preserve the canceled ballots for 2 years.

(9) The absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. The processing and tallying of absent voter ballots may commence at 7 a.m. on the day of the election.

(10) An election inspector, challenger, or any other person in attendance at an absent voter counting place at any time after the processing of ballots has begun shall take and sign the following oath that may be administered by the chairperson or a member of the absent voter counting board:

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

(11) The oaths administered under subsection (10) shall be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election the oaths shall be delivered to the city, township, or village clerk. Except as otherwise provided in subsection (16), a person in attendance at the absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.

(12) At the time the board of election commissioners provide for the use of absent voter counting boards, the board of election commissioners may provide that the absent voter counting boards shall record the votes contained on absent voter ballots on voting machines. In that case, the recording of ballots shall be done by the chairperson of the absent voter counting board or another member designated by the chairperson. The act of casting the votes shall be performed

in the presence of and under the careful observation and full view of all members of the absent voter counting board, party challengers, and any other persons lawfully present at the absent voter counting place. The vote as indicated by the voting pointers shall not be recorded until each member of the absent voter counting board is satisfied that the arrangement of the voting pointers fully carries out the intent of the absent voter as shown by the cross marks or check marks on the absent voter ballot. A certificate that the requirements of this subsection were met shall be made on the election inspectors' statement of returns.

(13) As soon as absent voter ballots have been cast on a voting machine pursuant to subsection (12), but not before 8 p.m., the election inspectors shall seal the operating lever of the machine against voting and shall then proceed to determine and record the votes cast in the manner provided in this act.

(14) Voted absent voter ballots shall be placed in a ballot box and the ballot bag and ballot box shall be sealed in the manner provided by this act for paper ballot precincts. The seal numbers shall be recorded on the statement sheet and in the poll book.

(15) In a city, township, or village where challenged voters are required to vote on absent voter ballots, each challenged voter ballot and application for ballot, after having been voted and properly identified, shall be placed by the voter in an absent voter ballot return envelope. The applicable information required on the back of the envelope shall be completed by the board of election inspectors. The envelope shall be signed by the challenged voter and by the chairperson of the precinct board of election inspectors. The word "challenged" shall be written across the front of the envelope. The envelope and application for ballot shall be sealed and delivered to the absent voter counting place by the clerk of the city, township, or village. Immediately after the closing of the polls, the chairperson of the precinct board of election inspectors shall notify the clerk of the city, township, or village of remaining challenged voter ballots to be delivered to the absent voter counting place. In a city, township, or village that uses voting machines where absent voter counting boards are not used, challenged ballots shall be counted and tallied in the precincts, in the same manner that absent voter ballots are tallied and counted as provided in section 791.

(16) Subject to this subsection, a local election official who has established an absent voter counting board, the deputy or employee of that local election official, or an employee of the state bureau of elections may enter and leave an absent voter counting board after the tally has begun but before the polls close. A person described in this subsection may enter an absent voter counting board only for the purpose of responding to an inquiry from an election inspector or a challenger or to provide instructions on the operation of the counting board. Before entering an absent voter counting board, a person described in this subsection shall take and sign the oath prescribed in subsection (10). The chairperson of the absent voter counting board shall record in the poll book the name of a person described in this subsection who enters the absent voter counting board. A person described in this subsection who enters an absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the time the polls can be legally closed on election day is guilty of a felony. As used in this subsection, "local election official" means a county, city, township, or village clerk, the secretary of a school board, or an employee of a school district designated to conduct a school election.

(17) The secretary of state shall develop instructions consistent with this act for the conduct of absent voter counting boards. The secretary of state shall distribute the instructions developed under this subsection to city and township clerks 40 days or more before a general election in which absent voter counting boards will be used. A city or township clerk shall make the instructions developed under this subsection available to the public and shall distribute the instructions to each challenger in attendance at an absent voter counting board. The instructions developed under this subsection are binding upon the operation of an absent voter counting board used in an election conducted by a county, city, township, village, school district, or any other jurisdiction empowered to conduct an election under this act.

Sec. 961. (1) A recall petition shall be filed with the filing officer provided in section 959 or 960. The filing official shall give a receipt showing the date of filing, the number of petition sheets filed, and the number of signatures claimed by the filer. This shall constitute the total filing, and additional petition sheets for this filing shall not be accepted by the filing official.

(2) Within 7 days after a recall petition is filed, the filing official with whom the petition was filed shall examine the recall petition. The filing official shall determine if the recall petition is in proper form and shall determine the number of signatures of the petition. In determining the number of signatures, the filing official shall not count signatures on a petition sheet if 1 or more of the following apply:

(a) The execution of the certificate of circulator is not in compliance with this act.

(b) The heading of the petition sheet is improperly completed.

(c) The reasons for recall are different than those determined by the board of county election commissioners to be of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for this recall.

(d) The signature was obtained before the date of determination by the board of county election commissioners or more than 90 days before the filing of the petition.

(3) If the filing official determines that the form of the petition is improper or that the number of signatures is less than the minimum number required in section 955, the filing official shall proceed as provided in section 963(1).

(4) If the filing official determines that the number of signatures is in excess of the minimum number required in section 955, the filing official shall determine the validity of the signatures by verifying the registration of signers pursuant to subsection (6) **AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7)** or shall forward each petition sheet to the clerk of the city or township appearing on the head of the petition sheet. However, the petition shall not be forwarded to the secretary of a school district.

(5) ~~Subject to subsection (6), the city or township clerk shall compare the names on the petition with the city or township registration records. The clerk may compare with the signatures on the original registration record or with the name or address on registration lists on file in the clerk's office.~~ **THE CITY OR TOWNSHIP CLERK SHALL DETERMINE THE VALIDITY OF THE SIGNATURES BY VERIFYING THE REGISTRATION OF SIGNERS PURSUANT TO SUBSECTION (6) AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7).** Within 15 days after receipt of the petition, the city or township clerk shall attach to the petition a certificate indicating the number of signers on each petition sheet that are registered electors in the city or township and in the governmental unit for which the recall is sought. The certificate shall be on a form approved by the secretary of state and may be a part of the petition sheet. If the recall petition is for the recall of a village official, the county clerk shall forward the petition to the clerk of the village, and the duties and responsibilities of the city or township clerk as set forth in this section shall be performed by the village clerk.

(6) The qualified voter file ~~may~~ **SHALL** be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

**(7) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.**

Sec. 961a. (1) Not later than the business day following the filing of a recall petition, the official with whom the recall was filed shall notify in writing the officer whose recall is sought that the recall petition has been filed.

(2) An officer whose recall is sought may challenge the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions. The officer whose recall is sought shall have not less than 8 days after the clerk has examined the signatures to check signatures on the original registration records.

(3) ~~Subject to subsection~~ **SUBSECTIONS (4) AND (5), a challenged signature shall be compared with the signature on the original registration record VERIFIED BY THE OFFICIAL WITH WHOM THE RECALL WAS FILED.**

(4) The qualified voter file may be used to determine the validity of ~~petition signatures~~ **A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION** by verifying the registration of ~~signers~~ **THE SIGNER**. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

**(5) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.”.**

The amendments to the substitute were adopted.

Senator Hammerstrom offered the following amendment to the substitute:

1. Amend page 23, following line 2, following enacting section 2, by inserting:

“Enacting section 3. Sections 31, 476, 501, 507, 523, 552, 961, and 961a of the Michigan election law, 1954 PA 116, MCL 168.31, 168.476, 168.501, 168.507, 168.523, 168.552, 168.961, and 168.961a, as amended by this amendatory act take effect January 1, 2007.” and renumbering the remaining enacting section.

The amendment to the substitute was adopted.

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

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

**Roll Call No. 356****Yeas—37**

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

**Nays—0****Excused—1**

Clarke

**Not Voting—0**

In The Chair: Sanborn

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 31, 301, 302, 312, 370, 381, 476, 498, 500b, 501, 507, 509m, 509q, 509gg, 523, 552, 641, 642a, 653a, 699, 761, 766, 767, 792a, 961, 961a, and 963 (MCL 168.31, 168.301, 168.302, 168.312, 168.370, 168.381, 168.476, 168.498, 168.500b, 168.501, 168.507, 168.509m, 168.509q, 168.509gg, 168.523, 168.552, 168.641, 168.642a, 168.653a, 168.699, 168.761, 168.766, 168.767, 168.792a, 168.961, 168.961a, and 168.963), sections 31 and 961a as amended by 1999 PA 220, section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, sections 476 and 961 as amended by 1999 PA 219, section 498 as amended by 1984 PA 89, sections 500b and 507 as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, sections 523 and 792a as amended by 1996 PA 583, section 552 as amended by 2003 PA 188, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, section 699 as amended by 2004 PA 297, and section 761 as amended by 1996 PA 207, and by adding sections 302a and 509hh; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Secretary of the Senate assumed the Chair.

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

Senators McManus and Gilbert introduced

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

Senator Stamas introduced

**Senate Bill No. 671, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

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

Senators McManus, Gilbert, Kuipers, Cropsey, Allen, Garcia, Hardiman, Birkholz, Bishop and Goschka introduced

**Senate Bill No. 672, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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

Senators Jelinek, Switalski, Allen, Kuipers and Scott introduced

**Senate Bill No. 673, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1536. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Switalski, Jelinek, Allen, Kuipers and Scott introduced

**Senate Bill No. 674, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1538 (MCL 380.1538), as added by 1988 PA 339.

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

Senator Bishop introduced

**Senate Bill No. 675, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

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

Senators Brown, Birkholz, Allen, Van Woerkom, Gilbert, Patterson, Cropsey, Kuipers, Bishop, Hardiman and George introduced

**Senate Bill No. 676, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

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

Senators Birkholz, Brown and Kuipers introduced

**Senate Bill No. 677, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

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

Senators Brown, Birkholz, Allen, Van Woerkom, Gilbert, Patterson, Cropsey, Kuipers, Bishop and George introduced  
**Senate Bill No. 678, entitled**

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 3f (MCL 445.573f), as added by 1996 PA 384.

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

Senators Brown, Birkholz, Allen, Van Woerkom, Gilbert, Patterson, Cropsey, Kuipers, Bishop, Hardiman and George introduced

**Senate Bill No. 679, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

Senators Brown, Van Woerkom, Birkholz, Gilbert, Patterson, Cropsey, Kuipers, Bishop, Hardiman and George introduced

**Senate Bill No. 680, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 175.

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

Senators Brown, Patterson, Gilbert, Birkholz, Cropsey, Kuipers, Bishop and George introduced

**Senate Bill No. 681, entitled**

A bill to amend 1974 PA 369, entitled "Driver education and training schools act," (MCL 256.601 to 256.612) by adding section 611a.

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

Senators Brown, Jelinek, Birkholz, Patterson, Cropsey, Gilbert, Van Woerkom, Kuipers, Bishop, Hardiman and George introduced

**Senate Bill No. 682, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35903 (MCL 324.35903), as added by 1996 PA 88.

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

Senators Birkholz, Allen, Toy, Kuipers and Van Woerkom introduced

**Senate Bill No. 683, entitled**

A bill to provide for coordinated land use and capital facility planning among cities, villages, townships, counties, regions, and state and federal agencies; to provide for the creation, organization, powers, and duties of planning commissions; to provide for the preparation of capital improvement programs; to provide conditions for funding or construction of capital improvements; to authorize the review of land divisions, plats, and condominium projects; to establish a grant program to assist with the financing of plans; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

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

Senators Birkholz, Kuipers and Allen introduced

**Senate Bill No. 684, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 364; and to repeal acts and parts of acts.

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

Senators Birkholz, Toy, Kuipers, Allen and George introduced

**Senate Bill No. 685, entitled**

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

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

Senators Birkholz, Toy, Kuipers, Allen and George introduced

**Senate Bill No. 686, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 552c.

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

Senators Birkholz, Kuipers, Allen, Toy and Van Woerkom introduced

**Senate Bill No. 687, entitled**

A bill to amend 1964 PA 106, entitled "An act to authorize the recording, copying, and recopying of documents, plats, papers, written instruments, records, and books on file or of record and the replacement and certification of originals previously filed and of record, by county and city officers; to provide for the effect and use of the copies, records, reproductions, or replacements and of transcripts or certified copies thereof; and to provide for revision of and entries to be made on originals so produced or replaced," (MCL 691.1111 to 691.1115) by adding section 2a.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

**House Bill No. 4037, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9723.

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

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

**House Bill No. 4315, entitled**

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

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

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

**House Bill No. 4316, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

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

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

**House Bill No. 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4402, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding section 1230c.

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

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

**House Bill No. 4403, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 1999 PA 60.

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

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

**House Bill No. 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.

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

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

**House Bill No. 4706, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 916 (MCL 436.1916).

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

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

**House Bill No. 4733, entitled**

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

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

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

**House Bill No. 4734, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

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

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

**House Bill No. 4834, entitled**

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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 Banking and Financial Institutions.



**House Bill No. 4838, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 1299.

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

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

**House Bill No. 4892, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30312 (MCL 324.30312), as amended by 2003 PA 14.

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

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

**House Bill No. 4928, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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

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

**House Bill No. 4929, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60, and by adding section 1a to article IV.

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

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

**House Bill No. 4930, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1230d.

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

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

**House Bill No. 4931, entitled**

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

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

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

**House Bill No. 4932, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

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

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

**House Bill No. 4933, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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

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

**House Bill No. 4934, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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. 4935, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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. 4936, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5d, and 5e.

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 Families and Human Services.

**House Bill No. 4937, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

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. 4938, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," (MCL 52.201 to 52.216) by adding section 9.

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

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

**House Bill No. 4957, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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. 4958, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as added by 2002 PA 206.

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 Families and Human Services.

**House Bill No. 4963, entitled**

A bill to amend 2000 PA 77, entitled "An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the

licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 625, 803I, 804, and 904 (MCL 257.625, 257.803I, 257.804, and 257.904), sections 625 and 904 as amended by 1999 PA 73, 803I as amended by 1998 PA 68, and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts," by repealing enacting section 1.

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

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

#### **House Bill No. 4991, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60.

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

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

#### **House Bill No. 4996, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16625 (MCL 333.16625), as amended by 1991 PA 58.

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.

### **Recess**

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

The motion prevailed, the time being 1:43 p.m.

1:51 p.m.

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

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Hammerstrom moved that when the Senate adjourns on Thursday, June 30, it stand adjourned until Wednesday, July 6; when it adjourns on Wednesday, July 6, it stand adjourned until Wednesday, July 13; when it adjourns on Wednesday, July 13, it stand adjourned until Wednesday, July 20; when it adjourns on Wednesday, July 20, it stand adjourned until Wednesday, July 27; when it adjourns on Wednesday, July 27, it stand adjourned until Wednesday, August 3; when it adjourns on Wednesday, August 3, it stand adjourned until Wednesday, August 10; when it adjourns on Wednesday, August 10, it stand adjourned until Wednesday, August 17; when it adjourns on Wednesday,

August 17, it stand adjourned until Wednesday, August 24; and when it adjourns on Wednesday, August 24, it stand adjourned until Tuesday, August 30.

The motion prevailed.

### Committee Reports

The Committee on Commerce and Labor reported

**House Bill No. 4555, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, June 28, 2005, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4071, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4145, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43540c.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, June 28, 2005, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Finance reported

**Senate Bill No. 501, entitled**

A bill to repeal enacting section 5 of 1999 PA 123; 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.

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, Garcia, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 569, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as amended by 2001 PA 70.

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

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

Nancy Cassis  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 570, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as amended by 2001 PA 69.

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

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

Nancy Cassis  
Chairperson

**To Report Out:**

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

Nays: None

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 29, 2005, at 1:09 p.m., Room 110, Farnum Building

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Resolution No. 48.**

A resolution to urge the Michigan Department of Agriculture and the Michigan Department of Environmental Quality to continue participating in the Michigan Agriculture Environmental Assurance Program and promote all of Michigan agriculture's efforts to obtain verification under the program.

(For text of resolution, see Senate Journal No. 63, p. 1038.)

With the recommendation that the resolution be adopted.

Gerald Van Woerkom  
Chairperson

**To Report Out:**

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: None

The resolution was placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Thursday, June 30, 2005, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

**COMMITTEE ATTENDANCE REPORT**

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, June 30, 2005, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Hardiman, Prusi, Clarke and Cherry

Excused: Senators Goschka and Clarke

**Scheduled Meetings**

**Michigan Capitol Committee** - Wednesday, July 27, 2:00 p.m., Room 426, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 1:54 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, July 6, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate