

**No. 100**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Tuesday, November 8, 2005.

10:00 a.m.

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

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

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

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

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

Pastor Matt Schantz of His House Christian Fellowship of Mt. Pleasant offered the following invocation:

Great God and Heavenly Father, these last few weeks, we have been reminded of the life of Your servant, Rosa Parks, as she was laid to rest in our great state. We recall her courage and conviction as she looked around at her culture and her country and said, "This is not as it should be. This is not right. Equal but different is not equal at all." So she asked You what she should do and You told her and she offered no excuses; only obedience. She walked onto that bus in Montgomery, Alabama, on December 1, 1955, and she took her seat.

When she was asked to vacate her seat and move to the back of the bus, she would not move, and little did she know that that refusal would become a defining moment in the history of our country. Society said, "Move back" and culture said, "Move back." Government said, "Move back" and the bus driver even said, "Move back," but Rosa Parks was not listening to them. She was listening to You and to her credit she did not waiver. She took her seat with destiny. Her humble act of civil disobedience awakened the conscience of our nation and provoked change—not enough, but the process began—all because a simple Christ-following seamstress from Tuskegee, Alabama, acted upon her convictions and did what she knew was right.

Today, I pray for these men and women as they take their seats in this esteemed chamber. I pray for the same courage and conviction to do what is right and good before their state, before their country, and before their God. Grant them wisdom in their decisions. They will need it. Grant them the continued love and support from their families, for without them, achievements here would be hollow. Let them speak for those who have no voice, for if they don't, who will? Give them a vision beyond themselves, for You have put them here for just such a time as this. Our state needs leaders like never before—innovative, compassionate, collaborating leaders who understand the times in which we live, but refuse to accept the status quo; women and men who serve not for popularity or power, but only for the promise for a better tomorrow. May they draw strength from You, O Lord, and may Your peace be upon them and their families.

While respecting other religious traditions represented here, I humbly pray in the name of Jesus Christ. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

#### Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:07 a.m.

11:03 a.m.

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

During the recess, Senators Garcia, Sanborn, Brown, Cassis, Van Woerkom, Johnson, Sikkema, Hardiman, Stamas, George, Kuipers, McManus, Bishop, Hammerstrom, Jelinek, Toy, Allen and Goschka entered the Senate Chamber.

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

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

**House Bill No. 4001**

**House Bill No. 4002**

**House Bill No. 5091**

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

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

**Saginaw Valley State University Board of Control**

Mr. David J. Abbs of 4391 South Marcus Drive, Saginaw, Michigan 48603, county of Saginaw, succeeding Linda Sims, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

Ms. Leola Wilson of 2732 West Auburn Drive, Saginaw, Michigan 48601, county of Saginaw, succeeding Sandra Cotter, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

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

The following communication was received:  
Department of Community Health

October 3, 2005

In accordance with Public Act 336 of 1994 (Section 333.2723), the Michigan Department of Community Health is submitting the *Essential Health Provider (MEHP) Recruitment Strategy Report*. The biennial report details the progress in the past two years. It also includes accomplishments since the program's inception in 1991.

If you have any questions, please feel free to contact my office at 335-0267.

Sincerely,  
Janet Olszewski  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

October 28, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:30 a.m. this date, administrative rule (05-10-08) for the Department of Natural Resources, Director's Office, entitled "*Off-Road Recreational Vehicle Safety Education*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Terry Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

November 4, 2005

Enclosed is a copy of the following audit report:

Performance audit of Lakeland Correctional Facility and Florence Crane Correctional Facility, Department of Corrections.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 3:

**House Bill Nos. 4027 4538 4539 4540 4835 5275 5276 5277**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, November 3, for her approval the following bills:

**Enrolled Senate Bill No. 175 at 3:05 p.m.**  
**Enrolled Senate Bill No. 708 at 3:07 p.m.**  
**Enrolled Senate Bill No. 365 at 3:09 p.m.**

The Secretary announced that the following official bills were printed on Thursday, November 3, and are available at the legislative website:

**House Bill Nos. 5396 5397 5398 5399 5400**

The Secretary announced that the following official bills were printed on Friday, November 4, and are available at the legislative website:

**Senate Bill Nos. 860 861 862 863 864**

**House Bill Nos. 5401 5402 5403**

### Messages from the Governor

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

**Senate Bill No. 272**

**Senate Bill No. 271**

**Senate Bill No. 264**

**Senate Bill No. 274**

**Senate Bill No. 281**

The motion prevailed.

The following messages from the Governor were received:

Date: November 4, 2005

Time: 1:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 438 (Public Act No. 188), being**

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

(Filed with the Secretary of State on November 7, 2005, at 10:20 a.m.)

Date: November 4, 2005

Time: 1:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 719 (Public Act No. 189), being**

An act to amend 1972 PA 299, entitled “An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities,” by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

(Filed with the Secretary of State on November 7, 2005, at 10:22 a.m.)

Date: November 4, 2005

Time: 1:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 419 (Public Act No. 190), being**

An act to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public

utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending the title and section 6 (MCL 460.6), the title as amended by 2000 PA 141 and section 6 as amended by 1993 PA 355.

(Filed with the Secretary of State on November 7, 2005, at 10:24 a.m.)

Date: November 5, 2005

Time: 8:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 356 (Public Act No. 191), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 4108 (MCL 324.4108).

(Filed with the Secretary of State on November 7, 2005, at 10:26 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

November 3, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 25 of 1951 PA 51, MCL 247.675:

**Michigan Truck Safety Commission**

Mr. Timothy R. Kaltenbach of 512 Bartlett Street, Lansing, Michigan 48915, county of Ingham, succeeding James H. Wardlaw, whose term has expired, representing the general public, for a term commencing November 3, 2005 and expiring August 4, 2007.

Ms. Jacqueline A. El-Sayed, PhD, of 1730 Golf Ridge Drive South, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent 4-year colleges or universities, for a term expiring August 4, 2007.

Mr. Robert E. McFarland of 5821 Old Orchard Trail, Orchard Lake, Michigan 48324, county of Oakland, reappointed to represent private motor carriers, for a term expiring August 4, 2007.

Mr. James C. Parrinello of 20702 Paige Boulevard, Macomb Township, Michigan 48044, county of Macomb, reappointed to represent organized labor, for a term expiring August 4, 2007.

Mr. John E. Theroux of 1840 Gunn Road, Holt, Michigan 48842, county of Ingham, reappointed to represent Michigan community colleges, for a term expiring August 4, 2007.

Mr. James A. Van Zoeren of 5750 Stoneybrook, Kalamazoo, Michigan 49009, county of Kalamazoo, reappointed to represent the Michigan Trucking Association, for a term expiring August 4, 2007.

Mr. David G. Zick of 851 Adams Court, Bloomfield Hills, Michigan 48304, county of Oakland, reappointed to represent the general public, for a term expiring August 4, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Saginaw Valley State University Board of Control**

Mr. David J. Abbs of 4391 South Marcus Drive, Saginaw, Michigan 48603, county of Saginaw, succeeding Linda Sims, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

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

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

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

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

**Roll Call No. 557****Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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**

Emerson

**Not Voting—0**

In The Chair: Birkholz

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

The motion prevailed.

Senator Goschka's statement is as follows:

I am very honored to rise in support of David Abbs as a member of the Board of Control at Saginaw Valley State University. I know him personally as a friend, and more importantly, as it pertains to this issue, he is a very dear friend of higher education. He has a tremendous love in his heart for Saginaw Valley, certainly as an alumnus of that school. As he spoke before the entire committee, there was no question that he is, indeed, a most excellent choice by the Governor to be on the Board of Control at Saginaw Valley State University.

I know Dave Abbs locally to be one who is involved in a number of matters in the Saginaw Valley region. He is looked at by all as a real, genuine leader, and I think that this is the next step for him. He will be an extremely good advocate not only for demonstrating leadership at Saginaw Valley State University, but in all of the state of Michigan for higher education. I would urge our support of David Abbs for the Board of Control at Saginaw Valley State University.

Senator Barcia's statement is as follows:

I, too, rise in support of the appointment of David Abbs to the Saginaw Valley State University Board of Control. That's my alma mater and I know that all of us who attended and received our degrees from that university have a real love and appreciation for the quality education and the opportunities that that university extends. As Senator Goschka

mentioned—I certainly don’t want to be redundant in what he mentioned about David Abbs—but I will just say that I agree that he has a great love for the university. He also has a great deal of financial expertise. He has carved out a very successful career in the Saginaw Valley, in both Saginaw and Bay counties, in which he advises numerous citizens on how to plan for their retirements and how to invest their funds for maximum returns. It would seem to me that that would certainly be a strong asset as a member of the Board of Control to have that kind of grasp of financial issues in this era of finite resources and struggles to keep access to higher education affordable for citizens across the state.

So I, too, would join—when I represented Saginaw and Bay counties as a member of Congress representing the 5th Congressional District, I got to know Dave Abbs very well, as well as Leola Wilson, the next appointment we’ll be voting on to the Saginaw Valley Board of Control. I just want to say that I think it’s an excellent choice that the Governor has made, and he will be a real asset to the Board of Control.

**Saginaw Valley State University Board of Control**

Ms. Leola Wilson of 2732 West Auburn Drive, Saginaw, Michigan 48601, county of Saginaw, succeeding Sandra Cotter, whose term has expired, representing the general public, for a term commencing September 9, 2005 and expiring July 21, 2013.

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

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

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

**Roll Call No. 558**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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**

Emerson

**Not Voting—0**

In The Chair: Birkholz

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

The motion prevailed.

Senator Goschka’s statement is as follows:

I am very honored, again, to rise also in support of Leola Wilson to the Board of Control at Saginaw Valley State University. I have known Leola for several years. She is well known throughout all of Saginaw County and throughout the entire region. She has a remarkable background, particularly in the area of education. She has been on the intermediate school district board since about 1976, and she has also left her imprint all throughout our entire area.

What she will bring to the table, I believe, at Saginaw Valley State University is, again, a remarkable depth and breadth of the knowledge of education and her love for education. Her experience in the area of education will certainly help her in all that she will do for Saginaw Valley State University.

Both Dave Abbs and Leola Wilson are people of immense integrity and honor, and I would urge your support of Leola Wilson to the Board of Control at Saginaw Valley State University.

Senator Barcia's statement is as follows:

I, too, want to join my good friend and colleague, Senator Goschka, in extolling the accolades of Leola Wilson. She has been a community activist for as long as—since her early adulthood as she was a very active member of the Saginaw community; both the religious community, as well as a myriad of civic organizations, including leading with distinction the NAACP chapter of Saginaw County.

I, too, as Senator Goschka did, one time represented Saginaw County and worked closely with Leola Wilson. She brings also real attributes to the Board of Control. She has excellent people skills and communication skills that will help to guide public policy at the university to make sure that every citizen possible has an opportunity to achieve the American Dream by accessing higher education and preparing themselves for the very competitive economy that not only we face here in Michigan, but across our country in the years and decades ahead.

So I think she will be a real—again, as Dave Abbs will—strong asset to the board, and I would encourage my colleagues to unanimously support her appointment and confirm her as a member of the Saginaw Valley State University Board of Control.

### Messages from the House

#### **Senate Bill No. 648, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; 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), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1974 PA 163, entitled "An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members," by amending sections 4 and 5 (MCL 28.214 and 28.215), section 4 as amended by 2000 PA 320; and to repeal acts and parts of acts.

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

#### **Senate Bill No. 747, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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.

### Third Reading of Bills

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

**Senate Bill No. 714**

**House Bill No. 5100**

**House Bill No. 4335**

**House Bill No. 4978**

**House Bill No. 5052**

The motion prevailed.

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

The following bill was read a third time:

**Senate Bill No. 714, entitled**

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

The 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. 559**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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**

Emerson

**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. 5100, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7 (MCL 722.22 and 722.27), section 2 as amended by 2004 PA 542 and section 7 as amended by 2001 PA 108.

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. 560**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema

Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Leland  
McManus  
Olshove  
Patterson  
Prusi

Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Emerson

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4335, entitled**

A bill to amend 1965 PA 203, entitled “Commission on law enforcement standards act,” by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

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. 561**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom  
Hardiman

Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Emerson

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4978, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” (MCL 28.421 to 28.435) by adding section 6.

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. 562**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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**

Emerson

**Not Voting—0**

In The Chair: Sanborn

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

The following bill was read a third time:

**House Bill No. 5052, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 10, following line 4, by inserting:

**“(10) THE DEPARTMENT DOES NOT HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS SECTION REGARDING GRAY MARKET CIGARETTE PAPERS OR COUNTERFEIT CIGARETTE PAPERS.”.**

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. 563****Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	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**

Emerson

**Not Voting—0**

In The Chair: Sanborn

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

“An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the administration, collection, and disposition of the tax; to levy an assessment; to provide for the administration, collection, defense, and disposition of the assessment; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Brown as Chairperson.

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

**House Bill No. 4002, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

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

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

**Senate Bill No. 859, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7dd (MCL 211.7dd), as amended by 2003 PA 140.

Substitute (S-1).

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

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

**House Bill No. 4421, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

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

1. Amend page 11, line 6, after “act” by striking out the balance of the sentence and inserting “takes effect February 1, 2006.”

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

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

**House Bill No. 4001, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5091, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437. Substitute (S-2).

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

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

**Senate Joint Resolution E, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article X, to restrict the power of state or local government to take private property by eminent domain for the primary benefit of private entities.

Substitute (S-3).

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

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

**Senate Bill No. 693, entitled**

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 3 (MCL 213.23).

Substitute (S-4).

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

## Resolutions

Senators Brater and Birkholz offered the following resolution:

**Senate Resolution No. 84.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Basham, Clarke, Goschka, Jacobs, Olshove, Prusi, Schauer, Scott and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

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

The motion prevailed.

Senator Basham's statement is as follows:

I'd just like to read a little article that I came across recently. It talked about "Washington State Voters to Decide Smoke-Free Workplace Law" and that was on 10/31. Washington voters will decide the fate of the smoke-free workplace law. Ten states have already gone in this direction, yet it seems like this state doesn't even want to have the debate about smoke-free legislation, whether it's in the workplace or whether it's in bars and restaurants. I would just encourage my colleagues to remember that about 3,000 people die a year in Michigan as a result of second-hand smoke, and so it's an issue that's near and dear to my heart as I watch my friends and even family members dying from second-hand smoke. I watch young kids with asthma, and yet, we as a Legislature fail to act.

So it's time that we start paying attention to my colleague—a doctor. As a matter of fact, my legislation is on bars and restaurants and the good doctor—the Senator from the 20th District—has smoke-free workplace legislation. I would encourage members to look at this bipartisan package of bills and move them forward because, again, 3,000 people die in Michigan a year as a result of second-hand smoke.

Senator Scott's statement is as follows:

I have a couple from my website today that I just want to share with you. Also today is Election Day in many cities around this state and I hope everyone goes out and votes today. I'm excited about having a new mayor in the city of Detroit. Hopefully, I can get some help with my insurance.

Well, let me just read you a couple. This person says, "I read an article about what you're doing to try to improve auto insurance rates in Michigan and I just wanted to thank you. I reside in Eastpointe, have a fairly good job and make what seems like decent money; however, I cannot afford to insure my 1997 Honda Accord. That is, if I want to continue to eat and pay utility bills. The rates keep going up and up and then I found out that it was because of a bad credit rating. Now I can't afford to have insurance at all and I'm in danger of getting myself in even deeper trouble. Thank you again and keep up the good work. God Bless."

The next one—and neither one of these is from Detroit, as you see—this one here is from Clinton Township. "I'm a former homeowner in the city of Detroit—15 years. When I first purchased my home, I was paying \$275 a year for a three-bedroom brick bungalow in what is still a thriving neighborhood. When I left my home in December 2004, I was paying \$2,200 a year to insure the same home of which I have never filed a claim. I have a problem with this. It was a combination of that and the auto insurance and lack of city services that forced me to leave the city."

So, you see, it's not just in one area; it's the Detroit area and around. It's all over this state, so I would encourage all my colleagues to hurry up and do something about these high insurance rates. So let's take up the bills and debate them so that we can give the same opportunities to all of the citizens of the state of Michigan.

Senator Birkholz's statement is as follows:

Colleagues, today the Senate Natural Resources and Environmental Affairs Committee will begin action on some very important pieces of legislation. This is a landmark day for me and my Senate colleagues who have been on a very well-charted path to provide sound, well-reasoned legislation to protect our state's waters. Beginning four years ago with the work of the Great Lakes Conservation Task Force, Majority Leader Ken Sikkema and many of the members of that task force who are still here today laid out a well-thought-out plan recommending a step-by-step approach to protecting our aquifers. Today, we are going to begin that step.

This has been a plan that has been forged by the citizens of this state. Our committee has spent the whole summer having hearings across this state and met with people from all corners of Michigan. We've had three large workgroup sessions and countless—literally thousands—of hours of individual meetings with citizens and citizen groups all to get us to today. We have listened to the people of Michigan. We have listened very closely to them.

Are we concerned about our water? Yes. Are we working towards preventing a future crisis? Yes. Do we want our children, our grandchildren, and those who come after us to inherit high-quality, plentiful Great Lakes water? Yes. Do we have a crisis? No. We have held hearings throughout this state and people have told us, no, we do not have a crisis. Many of our citizens are being bombarded with threats that Michigan is running out of water. That is not true. We have actively researched ways to protect Michigan water and all things dependent on water. We have had scientists, policymakers, and experts in the field working with us. All of us want to protect our waters from pollution, overuse, and overregulation.

While we need to protect our water, we also need to make sure that we protect Michigan's businesses that rely on our water. Many local companies use water not only for the production of food and goods, but also have water in the products they make, whether it's Gerber, Similac, Coke, Kellogg, the Big Three auto manufacturers, that cherry and apple pie that we're going to love to eat with our Thanksgiving dinners in a couple weeks, our pharmaceutical products, our farming operations—all of these companies rely on water for their products.

When talking about water regulations, we cannot permit ourselves to pit one product against another or it will never end. You cannot compare the water content in baby food or how much water we use in a bottle of Nyquil to a bottle of water. This afternoon, our committee will begin taking proactive steps to put in place water regulations that adequately protect our water and our water-dependent resources.

The citizens of Michigan want water protection and we have a plan to do it. We are not going to be done today, nor next week. We will continually work on improving the whole process. We've listened to the citizens and we want to protect the resource. The people want good policy, not politics. I fully intend to comply with their request. We will begin the legislation today, present it to you when we come back, and we will present it to the Governor before the end of the year. I urge you to stay involved.

Senator McManus' statement is as follows:

In a small town in northwest lower Michigan, a community has been left stranded by this Governor. The people of Baldwin may be down, but they're not out yet. Last Thursday, the GEO Group, together with the village of Baldwin and Webber Township, filed a lawsuit against the Michigan Department of Corrections and the Department of Management and Budget for the wrongful termination of GEO's lease from the state of Michigan. The fact of the matter is that the state is reneging on its contract that is causing an entire community to lose its economic base. Now a state-of-the-art facility sits empty just six years after it opened its doors, and a community that has invested heavily in new infrastructure specifically to accommodate this new facility is left with a mounting debt for improvements they would not have needed had the prison never come to Baldwin.

All this sends a very dangerous signal to businesses looking to invest in our state and to this particular community that welcomes them, especially when you consider the GEO Group made every effort to work with the Department of Corrections to find a way to make the Baldwin facility meet the department's changing needs.

I am sure the Governor would prefer we all do as she has done and forget about Baldwin, Lake County. Well, I'm not ready to do that, and it sure sounds like the community in Lake County is not ready to do that. It is too simple to say those who have fought so hard to save the prison were only concerned about the 229 jobs in Lake County. The 229 jobs in this economy should not be taken very lightly.

At a time when we should be fighting for every Michigan job, the Governor is still choosing politics over policy and trying to pick winners and losers. We cannot afford, here in the state of Michigan, to take this kind of economic strategy from this leader in the state of Michigan.

Senator Brater's statement is as follows:

I guess I'm just standing up here today because it's somewhat unusual that we have a statement on the floor about legislation pending in committee before we even have the debate in committee. But since one was made, I think I need to say a few words about the efforts that we have been making to protect the water of the state of Michigan from excessive withdrawals that would harm the resource and from diversions from the Great Lakes Basin.

We've been working on this for a long time and—what you heard was only part of the picture of the history of all the people who have been working on this issue, including our Governor, who proposed in one of her State of the State addresses that we introduce the Water Legacy Act to protect the waters of this state from diversions. We know that overwhelmingly citizens of the state of Michigan want us to protect the Great Lakes and their tributaries and the inland lakes of this state from diversions and harmful withdrawals.

We introduced that bill in 2004—Water Legacy Act. We again introduced it as one of the first bills of this Senate session and these bills have been languishing. We did hold hearings over the summer, and then suddenly, a few bills were taken up and put on a fast track where we've been told they're going to come out of committee before we break for deer hunting season and Thanksgiving.

So I guess I would like to add my perspective on these bills and what we need to do in order to have comprehensive water protection for the Great Lakes. First of all, we need a statewide approach to protect all the waters of the state, not just picking out trout streams or one type of stream or lake. We need a comprehensive approach which will protect all waters of the state from harmful withdrawals and that includes the Great Lakes, and the legislation that we're taking up in committee today does not address the problem of protecting the Great Lakes from diversions. We also need a state-based protection of the Great Lakes from diversions. Right now, we're relying on a federal law that could go away that allows us to protect our waters from diversions, but there are more thirsty states in the country that have influence over Congress than there are Great Lakes states that surround 20 percent of the world's fresh water, of which we are surrounded by four. And so we are, of course, the state with the most interest, perhaps in exercising these protections on a state, who have also. It's absolutely imperative that, as we move forward with this legislation, if we are going to have true protection, that we address that issue and have some kind of state-based protection of the Great Lakes from diversions.

Finally, we need to preserve the principle of existing riparian law or the concept that water is a public good for public use. We should not allow water to be commodified and sold for profit and exported out of the basin. It doesn't matter if you're exporting truckloads full of bottles of water or a tanker of water. It's the same effect in terms of volume of water leaving the basin cumulatively.

These are three principles that I am hoping that, as the natural resources committee takes up these bills this week, we will be addressing. I'm looking forward for some good debate and dialogue on this issue, and hopefully, we can come to some bipartisan agreement which will be good enough to protect the resources of the state of Michigan.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Schauer and Jacobs introduced

#### **Senate Bill No. 865, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278.

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

#### **House Bill No. 4027, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2005 PA 118 and section 7 as amended by 1996 PA 513.

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

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

#### **House Bill No. 4538, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2 and 8 (MCL 207.772 and 207.778), section 2 as amended by 2004 PA 396.

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

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

**House Bill No. 4539, entitled**

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

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

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

**House Bill No. 4540, entitled**

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

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

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

**House Bill No. 4835, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 57a.

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. 5275, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212, and 28.213) and by adding sections 1a and 3a.

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. 5276, entitled**

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," (MCL 28.241 to 28.248) by adding section 2a.

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. 5277, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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.

### Committee Reports

The Committee on Appropriations reported

**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.

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.

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George and Switalski

Nays: Senators Cherry and Clarke

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

The Committee on Appropriations reported  
**House Bill No. 4001, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4002, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5091, entitled**

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

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, November 2, 2005, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Cherry, Clarke and Switalski

Excused: Senators Barcia and Scott

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 5297, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d. 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 Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, November 3, 2005, at 8:30 a.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, November 3, 2005, at 9:15 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Goschka and Hardiman

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, November 3, 2005, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Stamas

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, November 3, 2005, at 2:00 p.m., Room 210, Farnum Building

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

#### Scheduled Meetings

**Agriculture, Forestry and Tourism** - Thursday, November 10, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -**

**Subcommittee -**

**Capital Outlay** - Thursday, November 10, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Wednesday, November 9, 1:00 p.m., Room 100, Farnum Building (373-2417)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, November 9, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, November 10, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Health Policy** - Wednesday, November 9, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

**Local, Urban and State Affairs** - Thursday, November 10, 1:00 p.m. or later immediately following session, Room 110, Farnum Building (373-1707)

**Michigan Capitol Committee** - Tuesday, November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

**Natural Resources and Environmental Affairs** - Wednesday, November 9, 8:00 a.m., Room 110, Farnum Building; and Thursday, November 10, 11:00 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-3447)

**Technology and Energy** - Wednesday, November 9, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:17 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 9, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

