

**No. 101**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Tuesday, November 9, 2004.

10:00 a.m.

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

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

Allen—present  
Barcia—present  
Basham—present  
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—excused  
Patterson—present  
Prusi—present  
Sanborn—present  
Schauer—present  
Scott—present  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

Pastor Rich Clay of Bethany Assembly of God of Adrian offered the following invocation:

Heavenly Father, we come humbly before You with the devout assurance that whatsoever things we ask for in prayer, if we believe we have received them, they will be ours. Help us to not be anxious this morning about anything, but in everything by prayer and petition with thanksgiving, we present our requests to You.

And we know that the peace of God which transcends all understanding will guard our hearts and our minds in Christ Jesus. We acknowledge, Heavenly Father, that our battle is not with flesh and blood, but against the rulers, against the authorities, against the powers of this dark world, and against the spiritual forces of evil in the heavenly realm. Because of this truth, we pray that each Senator will be equipped with the armor of God. We pray that their minds would be protected with the helmet of salvation. Grant them divine wisdom, knowledge, and discernment. Guard their hearts, Lord, with the breastplate of righteousness, and grant them the ability to govern fairly and with justice.

I pray that each Senator would be held together with the belt of truth. Grant them the ability to lead with integrity and honesty. Strengthen them to walk within shoes of peace with understanding of authority and unity. Protect them with the shield of faith from slander, lies, and false accusations. Place in their hands the swords of the Spirit, which is the Word of God.

We also ask You, Lord, to bless our Senators today—the leaders of our state. Bless their homes, their families, and their personal lives. Bless their health, give them strength and stamina to do their job, and be their healer in times of sickness. Bless their minds to think creatively. Bless their ears to hear the positive and the encouraging. Bless their words, that they speak words of life.

We ask You, Lord, to give wisdom and understanding to Governor Granholm. We ask You, Lord, to protect our soldiers defending freedom and to comfort the families who have lost loved ones. We ask You, Lord, to strengthen President Bush to lead and guide him by Your Holy Spirit.

Now to Him who is able to do immeasurably more than all we ask or imagine, be glorified, Lord Jesus, in this house. We pray these things in Your name. Amen.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:39 a.m.

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

During the recess, Senators Gilbert, Bernero, Bishop, Hardiman, Jelinek, Stamas, Cassis, Birkholz, McManus, Toy, Sikkema, Kuipers, Van Woerkom, Goschka, Sanborn, Cropsey and George entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Garcia entered the Senate Chamber.

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

**Senate Bill No. 1416**

**Senate Bill No. 1458**

**Senate Bill No. 1453**

**Senate Bill No. 1464**

**Senate Bill No. 1465**

**Senate Bill No. 1466**

**Senate Bill No. 1467**

**Senate Bill No. 1468**

**Senate Bill No. 1469**  
**Senate Bill No. 1470**  
**Senate Bill No. 1471**  
**Senate Bill No. 1472**  
**Senate Bill No. 683**  
**Senate Bill No. 684**  
**Senate Bill No. 685**  
**Senate Bill No. 686**  
**Senate Bill No. 1153**  
**Senate Bill No. 1154**  
**Senate Bill No. 1155**  
**Senate Bill No. 1156**  
**Senate Bill No. 1157**

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:

**Michigan Tax Tribunal**

Ms. Sherry A. Lee of 18721 Gainsborough Road, Detroit, Michigan 48223, county of Wayne, succeeding Victoria Enyart, whose term has expired, representing certified assessors, for a term commencing November 22, 2004 and expiring June 30, 2008.

Ms. Judith R. Trepeck of 7412 Sherwood Creek Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Karen B. McComb, who has resigned, representing certified public accountants, for a term commencing October 11, 2004 and expiring June 30, 2005.

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

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

The following communication was received:  
Family Independence Agency

October 18, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>License #</u>
Interim	Luce County FIA	CP480201253
Renewal	Crawford County FIA	CP210201090
Interim	Cheboygan County FIA	CP160201035

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E. J. Bullock at 517-373-8383.

Sincerely,  
Marianne Udow

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State

Administrative Rules  
Notice of Filing

October 26, 2004

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 Office of Regulatory Reform, Legal Division filed at 1:28 p.m. this date,

administrative rule (04-10-01) for the Department of Education, Superintendent of Public Instruction entitled “*Teacher Certification Code*,” effective 7 days after filing with the Secretary of State.

Sincerely,  
Teri 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 communications were received:  
Office of the Auditor General

November 5, 2004

Enclosed is a copy of the following audit report:  
Performance audit of the Aviation Services Division and Airports Division, Multi-Modal Transportation Services Bureau, Michigan Department of Transportation.

November 5, 2004

Enclosed is a copy of the following audit report:  
Financial audit of the Commercial Mobile Radio Service Emergency Telephone Fund, Department of Treasury, for the period October 1, 2001 through September 30, 2003.

November 5, 2004

Enclosed is a copy of the following audit report:  
Performance audit of Henry Ford Community College.

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

The communications were referred to the Secretary for the record.

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

**Senate Bill Nos. 1455 1456 1457 1459 1460 1461 1462 1463**

The Secretary announced that the following official bills and joint resolution were printed on Friday, November 5, and are available at the legislative Web site:

**Senate Bill Nos. 1473 1474 1475 1476**

**House Bill Nos. 6296 6297 6298 6299 6300 6301 6302 6303 6304 6305 6306 6307 6308 6309  
6310 6311 6312 6313 6314 6315 6316 6317 6318 6319 6320 6321 6322 6323  
6324 6325**

**House Joint Resolution DD**

### Messages from the Governor

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

**Senate Bill No. 195  
Senate Bill No. 364  
Senate Bill No. 293  
Senate Bill No. 265  
Senate Bill No. 288  
Senate Bill No. 540  
Senate Bill No. 283  
Senate Bill No. 464  
Senate Bill No. 466  
Senate Bill No. 395  
Senate Bill No. 474  
Senate Bill No. 840  
Senate Bill No. 785**

**Senate Bill No. 788**  
**Senate Bill No. 829**  
**Senate Bill No. 841**  
**Senate Bill No. 1093**  
**Senate Bill No. 863**  
**Senate Bill No. 865**  
**Senate Bill No. 867**  
**Senate Bill No. 869**  
**Senate Bill No. 872**  
**Senate Bill No. 875**  
**Senate Bill No. 647**  
**Senate Bill No. 320**  
**Senate Bill No. 267**  
**Senate Bill No. 1063**  
**Senate Bill No. 1066**  
**Senate Bill No. 145**  
**Senate Bill No. 1279**  
The motion prevailed.

The following messages from the Governor were receive and read:

November 4, 2004

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3 of the Older Michigianians Act, 1981 PA 180, MCL 400.583:

**Commission on Services to the Aging**

Ms. Rose M. Gill, an Independent, of N14507 Hannahville Road, Wilson, Michigan 49896, county of Menominee, succeeding Dolores Bussey, whose term has expired, appointed for a term commencing November 4, 2004 and expiring on July 28, 2007.

Ms. Janice A.B. Wilson, a Democrat, of 18607 Bittersweet, Fraser, Michigan 48026, county of Macomb, succeeding Donna Malone, whose term has expired, appointed for a term commencing November 4, 2004 and expiring on July 28, 2007.

Mr. James C. Wright, a Democrat, of 62 Hickory Nut Lane, Springfield, Michigan 49015, county of Calhoun, succeeding John Gonzales, whose term has expired, appointed for a term commencing November 4, 2004 and expiring on July 28, 2007.

November 8, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

**Michigan Board of Nursing**

Ms. Anahid Kulwicki, R.N., M.S., PhD, of 5785 Algonquin, Troy, Michigan 48098, county of Oakland, succeeding Amy Perry, R.N., M.S.N., who has resigned, representing registered professional nurses with a master's degree engaged in nursing education in a baccalaureate or higher program, for a term commencing November 8, 2004 and expiring June 30, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

November 8, 2004

I am writing to withdraw from consideration by the Senate the following appointment to public office under Sections 16121 and 17221 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17221:

**Michigan Board of Nursing**

Ms. Suha A. Kridli, R.N., PhD, of 2477 Brenthaven Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Amy Perry, R.N., M.S.N., who has resigned, representing registered professional nurses with a master's

degree engaged in nursing education in a baccalaureate or higher program, for a term commencing September 14, 2004 and expiring June 30, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

### Michigan Tax Tribunal

Ms. Sherry A. Lee of 18721 Gainsborough Road, Detroit, Michigan 48223, county of Wayne, succeeding Victoria Enyart, whose term has expired, representing certified assessors, for a term commencing November 22, 2004 and expiring June 30, 2008.

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 said appointment to office, a majority of the members serving voting therefor, as follows:

### Roll Call No. 753

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

### Michigan Tax Tribunal

Ms. Judith R. Trepeck of 7412 Sherwood Creek Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Karen B. McComb, who has resigned, representing certified public accountants, for a term commencing October 11, 2004 and expiring June 30, 2005.

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

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

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

**Roll Call No. 754****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

**Messages from the House**

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

**Senate Bill No. 757**  
**House Bill No. 4206**  
**Senate Bill No. 220**  
**Senate Bill No. 657**  
**Senate Bill No. 792**  
**Senate Bill No. 793**  
**Senate Bill No. 795**  
**Senate Bill No. 797**  
**Senate Bill No. 798**  
**Senate Bill No. 803**

The motion prevailed.

**Senate Bill No. 928, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

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

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

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

The Senate agreed to the full title.

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

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

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

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

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

**House Bill No. 5843, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

**Senate Bill No. 1465, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

**Senate Bill No. 1466, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

**Senate Bill No. 1467, entitled**

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

**House Bill No. 5851, 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 2002 PA 475.

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

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

**Senate Bill No. 1185, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

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. 5529, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Substitute (S-2).

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

1. Amend page 4, line 16, after "acres." by inserting "The property includes all of tax parcel number 41-14-19-356-008."

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



The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1341, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1416, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 161, 163, 165, 167, and 168 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.161, 560.163, 560.165, 560.167, and 560.168), section 117 as amended by 1998 PA 549, and by adding section 112a; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 2, line 25, after "**sections**" by striking out the balance of the line through "**municipality.**" on line 27 and inserting "**113, 114, and 118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under sections 115 to 117 shall be informed of the meeting and may attend.**".

2. Amend page 6, line 14, after "**of**" by striking out the balance of the line through "**resources**" on line 15 and inserting "**environmental quality**".

3. Amend page 9, line 25, after "down" by inserting "**by the municipality**".

4. Amend page 17, following line 22, by inserting:

"Enacting section 2. This amendatory act takes effect July 1, 2005."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1458, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14721, 14722, 14723, and 14724.

Substitute (S-2).

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

1. Amend page 2, line 14, after "**risk.**" by inserting "**Nothing in this section shall preclude the department from issuing recommendations to the legislature independent of any actions of the advisory committee.**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1464, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; and to repeal acts and parts of acts.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1468, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1469, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1470, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1471, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1472, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 415 (MCL 330.1415), as amended by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 683, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 401 (MCL 330.1401), as amended by 1995 PA 290.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 684, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 469a (MCL 330.1469a), as added by 1996 PA 588, and by adding section 433.

Substitute (S-2).

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

1. Amend page 10, line 27, after "**power**" by striking out "**or**" and inserting "**of**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 685, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 686, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a and 161 (MCL 330.1100a and 330.1161), as amended by 1998 PA 497.

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:  
**Senate Bill No. 1153, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, section 1279 as amended by 1997 PA 175, section 1279a as added by 2002 PA 592, section 1279d as added by 2002 PA 640, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

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:  
**Senate Bill No. 1154, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1155, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), sections 31a and 104a as amended and section 98b as added by 2003 PA 158, and by adding section 104b.

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:  
**Senate Bill No. 1156, entitled**

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2003 PA 186, and by adding sections 7a and 7b.

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:  
**Senate Bill No. 1157, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5457, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 622a. Substitute (S-4).

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

1. Amend page 6, line 3, after "**treasury.**" by striking out the balance of the line through "**general.**" on line 9 and inserting "**Within 90 days after receipt of the appeal, the department of treasury shall consider the appeal and make a determination of whether the initial determination was correct or incorrect and of whether the situation has been corrected. If the department of treasury finds that the initial determination was correct and that the situation has not been corrected, then the department of treasury shall file a copy of the report with the attorney general.**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5475, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 620. Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5627, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 18 (MCL 388.1618), as amended by 2003 PA 158.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5839, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 681, 682, 687, 1723, 1724, 1724a, and 1731 (MCL 380.681, 380.682, 380.687, 380.1723, 380.1724, 380.1724a, and 380.1731), sections 681, 682, 687, and 1724 as amended by 2003 PA 299, section 1724a as added by 1994 PA 258, and section 1731 as amended by 2002 PA 70, and by adding section 625b.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5850, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1804 (MCL 380.1804) and by adding sections 1814, 1815, and 1816.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5921, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 611, 612, and 621a (MCL 380.611, 380.612, and 380.621a), section 611 as amended by 1981 PA 87 and section 621a as added by 2004 PA 234, and by adding section 634.

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:  
**Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

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.

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

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

**Senate Bill No. 1458**

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

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

Senator Scott entered the Senate Chamber.

The following bill was announced:

**House Bill No. 4458, entitled**

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

(This bill was read a third time on November 4, amendment offered and consideration postponed. See Senate Journal No. 100, p. 2140.)

The question being on the adoption of the amendment offered by Senator Brater,

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

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 755**

**Yeas—12**

Basham	Cherry	George	Schauer
Bernero	Clarke	Jacobs	Scott
Brater	Emerson	Prusi	Thomas

**Nays—24**

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

**Excused—1**

Olshove

**Not Voting—1**

Clark-Coleman

In The Chair: Birkholz

**Protests**

Senators Sikkema, Cropsey, Toy and Goschka, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Brater to House Bill No. 4458.

Senators Sikkema and Cropsey moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator Sikkema’s statement, in which Senators Cropsey, Toy and Goschka concurred, is as follows:

I do agree with the previous speaker when he said he was confused. There is a big difference between those of us who think money is best left in the private sector and people who believe money is best sent to the public sector. The previous speaker’s comments, I think, were mostly directed at whether he agreed with the underlying bill. What is facing us here is a Brater amendment that tie-bars the bill to another bill that raises the liquor tax and devotes all that money to something called fire protection grants. That’s the issue we are voting on right now. Let me remind the members of something that has already been said here.

From last year to this year, the amount of money devoted to fire protection grants has basically doubled. In fact, the fiscal year we are in, we are only \$200,000 short of the highest amount ever devoted to the fire protection grants. In the contexts of reducing funding to higher education by 12 percent, to local government by 12 percent, and to community colleges by 12 percent over the last two years, I think we have done pretty well for that particular program. So I would hope the members—if you look at that record and put everything in context of other areas of the budget that have actually been cut severely, it’s a pretty good record.

So I would hope we would vote against this amendment.

Senator Cropsey’s statement, in which Senator Goschka concurred, is as follows:

It is my understanding, being the sponsor of the bill that this is being tie-barred to, that that legislation is dead. There are several good reasons for that legislation being dead, so if we tie-barred this legislation to that, that in essence kills this current legislation also.

Do I want to see more money going to fire protection grants? Yes, I do. However, when we take a look at the state budget as a whole, we have to make our different compromises, different cuts, and different economies in different areas. Fire protection grant money, I believe, has almost doubled for this year compared to what it was last year. I would rather see this legislation go through because if it does go through, it does have some minor budgetary impacts, but they are positive because it would increase the sales tax somewhat on certain liquor items. Whereas, if this tie-bar is adopted, it will kill the legislation, and then we wouldn’t have that extra sales tax.

So I would urge that we do turn this down at this 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. 756****Yeas—29**

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

**Nays—8**

Basham  
Brater

Cherry  
Emerson

Prusi  
Schauer

Stamas  
Switalski

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Birkholz

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

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

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

“An act to 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.”.

The Senate agreed to the full title.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4458 and moved that the statements she made during the discussion of the amendment she offered be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s first statement is as follows:

The formula for providing fire protection to these communities has never been fully funded, and this amendment would tie-bar the bill to Senate Bill No. 914, which would increase state mark-up on liquor used to establish retail prices and would also increase the discount on liquor provided to licensees.

The additional money generated by the increase in the state mark-up would be appropriated to local units of government to fund fire protection grants. As many of you know, the fire protection grant program established under PA 289 of 1977 provides payment to local units of government in lieu of property taxes for fire protection services provided to state buildings provided within their borders. As I said, this program has never been fully funded, and over the last few years, has diminished significantly, leaving many communities, including Detroit, Ann Arbor, Grand Rapids, Muskegon, Lansing, and Mt. Pleasant, unable to adequately protect state buildings, universities, and hospitals.

While the bill before us would allow retailers to increase their profits by raising the price of liquor, it seems only fitting that we would also honor our commitment to our local communities by helping them to offset some of their rising costs associated with protecting our state buildings.

So I ask for your support of this amendment.

Senator Brater's second statement is as follows:

I just want to respond to the great Senator from the 11th District who claims that the result of my amendment would create a tax increase, as opposed to this original bill. Without my amendment, either way, the price of liquor will go up. It's possible that people would reduce consumption of liquor if the prices of liquor are higher, so we really don't know the effect on sales tax. The effect of the bill with my amendment really does not change the effect on consumers. Just the difference, net increase, under the bill without my amendment all goes into the retailers' pockets. Whereas, with my amendment, we will get some of the money back to the state to serve a public purpose—a very, very, important public purpose.

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

The following bill was announced:

**Senate Bill No. 1081, 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 2 (MCL 225.2).

(This bill was passed on October 6 and the motion to reconsider the vote postponed. See Senate Journal No. 97, p. 2090.)

The question being on the motion to reconsider the vote by which the bill was passed, Senator Hammerstrom withdrew the motion.

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

**House Bill No. 4703**

**Senate Bill No. 735**

**Senate Bill No. 925**

**House Bill No. 5947**

**House Bill No. 5970**

**Senate Bill No. 1458**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4703, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12501, 12505, 12506, 12507, 12508, 12509, 12512, 12513, 12514, 12516, 12521, 12527, 12527a, 12528, 12529, and 12532 (MCL 333.12501, 333.12505, 333.12506, 333.12507, 333.12508, 333.12509, 333.12512, 333.12513, 333.12514, 333.12516, 333.12521, 333.12527, 333.12527a, 333.12528, 333.12529, and 333.12532), section 12501 as amended by 1982 PA 525, section 12527 as amended by 1980 PA 522, and sections 12527a and 12532 as amended by 1985 PA 19, and by adding sections 12506a, 12506b, 12510, and 12527b.

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. 757**

**Yeas—27**

Allen	Clarke	Jelinek	Sikkema
Basham	Cropsey	Johnson	Stamas
Bernero	George	Leland	Switalski
Birkholz	Gilbert	McManus	Thomas
Brater	Hammerstrom	Prusi	Toy
Cherry	Hardiman	Schauer	Van Woerkom
Clark-Coleman	Jacobs	Scott	



**Nays—10**

Barcia	Cassis	Goschka	Patterson
Bishop	Emerson	Kuipers	Sanborn
Brown	Garcia		

**Excused—1**

Olshove

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 735, entitled**

A bill to amend 1996 PA 299, entitled “An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department,” by amending sections 1 and 3 (MCL 247.401 and 247.403).

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. 758****Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom

McManus  
Patterson  
Prusi

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**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. 925, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding section 51503b.

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. 759**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**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. 5947, entitled**

A bill to amend 1984 PA 323, entitled “The health care false claim act,” (MCL 752.1001 to 752.1011) by adding section 4b.

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. 760**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**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 prohibit fraud in the obtaining of benefits or payments in connection with health care coverage and insurance; to prohibit kickbacks or bribes in connection with such coverage and insurance; to prohibit conspiracies in obtaining benefits or payments; to provide for certain powers and duties of certain state and local officers and agencies; to provide for and preclude certain civil actions; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5970, entitled**

A bill to amend 1984 PA 323, entitled “The health care false claim act,” (MCL 752.1001 to 752.1011) by adding section 4a.

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. 761**

**Yeas—37**

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

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

**Nays—0**

**Excused—1**

Olshove

**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 prohibit fraud in the obtaining of benefits or payments in connection with health care coverage and insurance; to prohibit kickbacks or bribes in connection with such coverage and insurance; to prohibit conspiracies in obtaining benefits or payments; to provide for certain powers and duties of certain state and local officers and agencies; to provide for and preclude certain civil actions; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1458, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 14721, 14723, and 14724.

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. 762**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Sikkema's statement is as follows:

It is with a great deal of sadness that I report that Richard Headlee, who was a candidate for Governor, passed away this morning. He clearly was a seminal figure in Michigan politics, whether you agreed or disagreed with him. There is no question of his influence on the direction of the state. A very significant constitutional amendment that continues to have its impact to this very day bares his name—the Headlee Amendment. He ran for Governor in 1982. There's just no question that his views and his impacts as an activist, really a citizen activist more than as a Republican, has made his impact on Michigan and Michigan politics to be long-lasting.

He passed away this morning at his home in Utah. He had moved there from Oakland County some years ago. He was 74 years old, which was remarkable in the sense that at the age of 56, I think, he had a new heart—a heart transplant.

His passing was noted about mid-morning today, and I wanted everyone to know of that. I think his impact is certainly going to continue forward.

Senator Scott's statement is as follows:

Whether it's attending coffee hours on Monday mornings or attending meetings throughout my district or even a quick trip to the local shopping market, I do not think that a day goes by that I am not approached by a concerned citizen about the ridiculous costs of auto and homeowner's insurance. It is true. If only you could see the look on these individuals' faces and feel the worry and the distress that is evoked through their words. It truly is a serious public policy issue and one that deserves the attention of this body now.

The question that I hear time and time again: "What are you doing about the high costs of auto insurance?" What am I doing? Sure, I can tell them that I stand before my esteemed colleagues each day asking them to join me in correcting this terrible injustice that is causing hardship for so many of my constituents. But I understand that these are just words. What I am seeking is action.

I will not accept the fact that there is nothing we can do. I know that there is something we can do, and I will not stop fighting for this noble cause until some reasonable solution is identified and implemented. I understand that there are members who do not agree with me that a person's zip code should not be a factor in determining insurance rates, and I respect your position. Then join me in a collaborative fashion in developing a solution that you can agree with.

Contrary to what many of you may believe, I'm not being unreasonable. I know in my heart that I'm doing the right thing. I've listened, I've heard, and I have experienced the unfair and inequitable practices in our insurance industry.

I again ask for your support in working with me on this very important issue.

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

Senators Allen, Toy, Brown, Prusi and Goschka introduced

**Senate Bill No. 1477, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senators Allen, Prusi, Goschka and Birkholz introduced

**Senate Bill No. 1478, 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 bill was read a first and second time by title and referred to the Committee on Education.

Senator Switalski introduced

**Senate Bill No. 1479, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan unemployment security act," by amending section 3 (MCL 421.3), as amended by 2003 PA 174. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senator Schauer introduced

**Senate Bill No. 1480, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending the title and section 5b (MCL 421.5b), the title as amended by 1991 PA 10, and section 5b as added by 2002 PA 192. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senator Kuipers introduced

**Senate Bill No. 1481, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 1996 PA 498. The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senator Allen introduced

**Senate Bill No. 1482, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22). The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

Senator McManus introduced

**Senate Bill No. 1483, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41). The bill was read a first and second time by title and referred to the Committee on Commerce and Labor.

### **Committee Reports**

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1416, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 161, 163, 165, 167, and 168 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116,

560.117, 560.118, 560.120, 560.131, 560.142, 560.161, 560.163, 560.165, 560.167, and 560.168), section 117 as amended by 1998 PA 549, and by adding section 112a; and to repeal acts and parts of acts.

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

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Brater

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1458, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14721, 14722, 14723, and 14724.

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, Van Woerkom and Brater

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 Thursday, November 4, 2004, at 8:00 a.m., Room 100, Farnum Building

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

Excused: Senators Patterson and Basham

The Committee on Commerce and Labor reported

**Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

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.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Schauer

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Thursday, November 4, 2004, at 12:00 noon, Room 110, Farnum Building

Present: Senators Allen (C), Kuipers, McManus and Schauer

Excused: Senator Olshove

The Committee on Health Policy reported

**House Bill No. 5637, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9141. With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 72, entitled**

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson and George

Nays: Senators Bernero and Jacobs

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 1464, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; 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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1465, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.



The Committee on Health Policy reported

**Senate Bill No. 1466, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 1467, entitled**

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**Senate Bill No. 1468, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1469, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1470, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1471, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 1472, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 415 (MCL 330.1415), as amended by 1995 PA 290.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 683, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 401 (MCL 330.1401), as amended by 1995 PA 290.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 684, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 469a (MCL 330.1469a), as added by 1996 PA 588, and by adding section 433.

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.

Beverly S. Hammerstrom  
Chairperson

## To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 685, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

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.

Beverly S. Hammerstrom  
Chairperson

## To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 686, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a and 161 (MCL 330.1100a and 330.1161), as amended by 1998 PA 497.

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.

Beverly S. Hammerstrom  
Chairperson

## To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, November 3, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

The Committee on Education reported

**Senate Bill No. 1153, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, section 1279 as amended by 1997 PA 175, section 1279a as added by 2002 PA 592, section 1279d as added by 2002 PA 640, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

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

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

Wayne Kuipers  
Chairperson

## To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

The Committee on Education reported

**Senate Bill No. 1154, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

The Committee on Education reported

**Senate Bill No. 1155, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), sections 31a and 104a as amended and section 98b as added by 2003 PA 158, and by adding section 104b.

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

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

The Committee on Education reported

**Senate Bill No. 1156, entitled**

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2003 PA 186, and by adding sections 7a and 7b.

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

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

The Committee on Education reported

**Senate Bill No. 1157, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

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

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

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom and Leland

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, November 4, 2004, at 2:00 p.m., Room 210, Farnum Building

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

The Committee on Agriculture, Forestry and Tourism reported  
**Senate Resolution No. 216.**

A resolution to urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in the country's national forests.

(For text of resolution, see Senate Journal No. 16, p. 217.)

With the recommendation that the resolution be adopted.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Thomas

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, November 4, 2004, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Jelinek

#### Scheduled Meetings

**Economic Development, Small Business and Regulatory Reform** - Wednesday, November 10, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

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

**Finance** - Wednesday, November 10, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Local, Urban and State Affairs** - Wednesday, November 10, 1:00 p.m., Room 100, Farnum Building (373-1707)

**Technology and Energy** - Wednesday, November 10, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:53 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 10, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

