

**No. 14**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Wednesday, February 15, 2006.

10:00 a.m.

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

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

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

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

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

Pastor Jeff Gaskill of Grand Ledge Baptist Church of Grand Ledge offered the following invocation:

O God, as before You our sovereign creator, we pause in stillness. It is in the wisdom of our forefathers that we acknowledge it as You, our creator, who has endowed us with the most basic desires of life, liberty, and the pursuit of happiness. Only the most foolish of men have said in their hearts that You do not exist. Only the most rebellious people have resisted their accountability to You.

This morning we pause to acknowledge that it is under Your sovereign hand that You have ordained and established human government. It is for such a time as this, with its unique challenges and exciting opportunities, that You, O God, have ordained these men and women in their offices. It is under Your watchful eye that You have placed these, Your appointed servants, with a divine stewardship to work for the unity, justice, and liberty of all.

God, it is in this moment we pause to confess, in agreement with You, that often we, Your appointees, whether it be in leading a congregation or in the Capitol, have conducted ourselves in a selfish manner and sometimes toward selfish ends. Forgive us, Your servants, for our selfish protectiveness, fearing more the intimidation of an election than our ultimate accountability to the One who appointed us. Forgive us for when we have been so narrowly focused on the interests that consume us that we have failed to look out for the interests of others. Forgive us for moments of using our positions to be served, rather than to serve and giving our lives in service for the many.

Today, O God, as we embrace our calling of service, we look to the greatest example of human service, Your Son Jesus Christ. May it be Your divine image that was fully seen in Him that is seen in us today. May each of us in this room be filled with Your divine Spirit in such a way that we may be described as "full of grace and full of truth." May the conversations in this assembly be filled with kindness, charity, and consideration of all expressions of Your grace. May the dealings today be filled with honesty, integrity, and equality of all expressions of Your truth.

May it be through the life, example, and empowerment through faith in Your Son, working in this assembly today, that a small portion of Your redemptive work is realized. It is in keeping with the character and conduct of Your Son Jesus Christ that we pray this to You today for Your glory and our blessing. Amen.

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

### Motions and Communications

Senators Garcia and Johnson entered the Senate Chamber.

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

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 bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 960**

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

The following communications were received:

Department of State

#### Administrative Rules Notices of Filing

February 2, 2006

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 10:50 a.m. this date, administrative rule (06-02-01) for the Department of Community Health, Director's Office, entitled "*Respiratory Care-General Rules*." These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 2, 2006

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 10:52 a.m. this date, administrative rule (06-02-02) for the Department of Environmental Quality, Office of Geological Survey, entitled "*Part 632. Nonferrous Metallic Mineral Mining.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 14:  
**House Bill Nos. 5497 5562**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, February 14, for her approval the following bills:

**Enrolled Senate Bill No. 850 at 12:12 p.m.**  
**Enrolled Senate Bill No. 851 at 12:14 p.m.**  
**Enrolled Senate Bill No. 852 at 12:16 p.m.**  
**Enrolled Senate Bill No. 854 at 12:18 p.m.**  
**Enrolled Senate Bill No. 857 at 12:20 p.m.**

### Messages from the Governor

Senator Thomas entered the Senate Chamber.

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

**Senate Bill No. 272**  
**Senate Bill No. 271**  
**Senate Bill No. 264**  
**Senate Bill No. 274**  
**Senate Bill No. 281**  
**Senate Bill No. 175**  
**Senate Bill No. 236**  
**Senate Bill No. 892**  
**Senate Bill No. 893**  
**Senate Bill No. 956**  
**Senate Bill No. 957**

The motion prevailed.

The following messages from the Governor were received and read:

February 14, 2006

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 Section 26 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.26:

#### **Michigan Aeronautics Commission**

Ms. Joyce M. Woods of 16141 Meredith Court, Linden, Michigan 48451, county of Genesee, succeeding Catherine Groll, who has resigned, representing the general public, for a term commencing February 14, 2006 and expiring May 27, 2009.

February 14, 2006

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 pursuant to Section 3 of 1965 PA 114, MCL 290.553:

**Michigan Bean Commission**

Mr. Lawrence H. Sprague II of 8215 East Bennington Road, Durand, Michigan 48429, county of Shiawassee, succeeding Dan Leach, who has resigned, representing processors, shippers, and handlers, for a term commencing February 14, 2006 and expiring December 31, 2006.

February 14, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Beef Marketing Program Committee**

Mr. Scott E. Cary of 3977 North Bliss Road, Alma, Michigan 48801, county of Gratiot, succeeding Kenneth Blight, whose term has expired, representing cattle feeders, for a term commencing February 14, 2006 and expiring May 31, 2008.

Mr. Randy D. Heselschwerdt of 6336 Wells Road, Napoleon, Michigan 49201, county of Jackson, succeeding William Sheridan, whose term has expired, representing cattle marketers, for a term commencing February 14, 2006 and expiring May 31, 2008.

Mr. Garry L. Wiley of 2598 South Clarwin Road, Gladwin, Michigan 48624, county of Clare, succeeding Gary Voogt, whose term has expired, representing cattle breeders, for a term commencing February 14, 2006 and expiring May 31, 2008.

February 14, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 2402 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2402:

**Data Collection Agency Governing Board**

Mr. Bruno R. Czyrka of 7344 Pine Manor, Grand Ledge, Michigan 48837, county of Eaton, reappointed to represent the executive branch of state government, for a term expiring December 31, 2006.

February 14, 2006

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1964 PA 183, MCL 830.412:

**State Building Authority Board of Trustees**

Mr. Ehrlich J. Crain of 10909 Edlie Circle, Detroit, Michigan 48214, county of Wayne, succeeding Dennis Cowan, whose term has expired, representing the general public, for a term commencing February 14, 2006 and expiring August 21, 2009.

February 14, 2006

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 pursuant to Section 1 of 1927 PA 89, MCL 285.141:

**Upper Peninsula State Fair Board of Managers**

Mr. James R. Gale of 21941 Denton Road, Chassell, Michigan 49916, county of Houghton, succeeding Steve Palosaari, whose term has expired, representing the general public, for a term commencing February 14, 2006 and expiring September 30, 2010.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

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 Sanborn as Chairperson.

### Recess

Senator Hammerstrom moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 10:20 a.m.

10:40 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Sanborn.

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

**Senate Bill No. 603, entitled**

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

**House Bill No. 4606, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

**Senate Bill No. 838, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

**House Bill No. 5498, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

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. 604, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28. 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. 839, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2004 PA 544.

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. 960, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2004 PA 89.

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.

During the Committee of the Whole, Senator Leland entered the Senate Chamber.

### Resolutions

#### **Senate Resolution No. 72.**

A resolution to memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

We have before us today a resolution to memorialize Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients. Approximately 130,000 people under the age of 45 of childbearing years are diagnosed with cancer each year. At least 90 percent of patients within this age group will undergo potentially sterilizing treatments such as surgery, chemotherapy, or radiation.

Our great state of Michigan has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer a death sentence. We should do everything possible to make fertility preservation options available for cancer patients.

It's a great development that survivorship rates have dramatically increased over the years. The life expectancy of 71 percent of cancer patients has been expanded by at least five years beyond the diagnosis of their disease. The long-term consequences of cancer treatment, such as infertility, are of increasing concern to patients since they are highly likely to survive their cancer. The diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself. Successful fertility preservation options are now available. They include sperm banking, egg freezing, and ovarian and testicular tissue freezing.

Many cancer patients are given the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatments begin. However, many others do not take these steps because they were not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options.

My resolution memorializes Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients by encouraging research that will strengthen fertility preservation options for cancer patients; for continuing to consider ways to improve access to fertility preservation options for cancer patients; and, finally, raising awareness about the fertility side effects and fertility preservation options for cancer patients.

I know this is something that we normally don't think of, but if all of us think about friends and family members who are faced with cancer, they will realize that it's important for our federal government to help us in solving some of these problems.

I ask my colleagues to vote in favor of this resolution so that we can send this on to Congress.

Senators Jelinek, Garcia and Basham offered the following resolution:

#### **Senate Resolution No. 96.**

A resolution to urge the United States Environmental Protection Agency to authorize the Office of Pesticide Programs to initiate rulemaking to ensure the sustainability of programs for recycling one-way plastic pesticide containers.

Whereas, Pesticide container recycling has a number of benefits, both environmental and economical. As more containers are collected for recycling, fewer are sent to landfills for disposal. In addition to saving landfill space, recycling also saves pesticide applicators money otherwise spent on landfill tipping fees. Any material that is recycled slows the depletion of nonrenewable resources; and

Whereas, More than 20 million pounds of one-way plastic pesticide containers have been collected and recycled through a unique and productive partnership of state pesticide agencies, extension offices, trade associations, and pesticide registrants. Collected plastic is consolidated and made into products such as field drain pipe and marine pilings. Each recycled product is evaluated for potential risk by using a risk assessment model developed by the Ag Container

Recycling Council (ACRC). For the past 13 years, the pesticide container recycling program has been managed and promoted by the ACRC, a nonprofit organization established for this purpose. The ACRC is funded by more than 30 companies that formulate, produce, package, and distribute crop protection and other pesticide products; and

Whereas, Not all companies involved in the production of crop protection and other pesticide products participate in ACRC. However, ACRC collects and recycles all plastic containers, even though the containers may belong to nonmember companies; and

Whereas, The American Association of Pest Control Officials, CropLife America, and the Responsible Industry for a Sound Environment are working with the United States Environmental Protection Agency to expand participation in ACRC. These organizations propose that manufacturers either participate in the funding of ACRC or show that they provide end users of one-way plastic pesticide containers with an opportunity to recycle. These organizations further propose that recycling by the end user remain voluntary and that triple-rinsed pesticide containers continue to be treated as non-hazardous material which can be discarded in a landfill. In addition, CropLife America and Responsible Industry for a Sound Environment encourage rulemaking by the EPA's Office of Pesticide Programs to establish a standard for recycling pesticide containers, thereby facilitating the widespread collection and recycling of these containers; now, therefore, be it

Resolved by the Senate, That we urge the United States Environmental Protection Agency to authorize the Office of Pesticide Programs to initiate rulemaking to ensure the sustainability of programs for recycling one-way plastic pesticide containers; and be it further

Resolved, That copies of this resolution be transmitted to the head of the United States Environmental Protection Agency and the members of the Michigan congressional delegation.

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 Barcia, Olshove and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**House Bill No. 4606**

**Senate Bill No. 603**

**Senate Bill No. 604**

**Senate Bill No. 838**

**Senate Bill No. 839**

**House Bill No. 5498**

**Senate Bill No. 960**

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

The following bill was read a third time:

**House Bill No. 4606, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

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. 77**

**Yeas—37**

Allen  
Barcia  
Basham

Clarke  
Cropsey  
Emerson

Jacobs  
Jelinek  
Johnson

Sanborn  
Schauer  
Scott

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

“An act to protect 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. 603, entitled**

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

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. 78**

**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott



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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 604, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.  
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. 79**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 838, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

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. 80**

**Yeas—23**

Allen	Garcia	Johnson	Sanborn
Birkholz	George	Kuipers	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Switalski
Cassis	Hammerstrom	Patterson	Van Woerkom
Emerson	Jelinek	Prusi	

**Nays—14**

Barcia	Clark-Coleman	Jacobs	Scott
Basham	Clarke	Leland	Thomas
Brater	Cropsey	Schauer	Toy
Cherry	Hardiman		

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 839, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2004 PA 544.

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. 81**

**Yeas—26**

Allen	Clarke	Jelinek	Patterson
Barcia	Cropsey	Johnson	Prusi
Basham	Emerson	Kuipers	Sanborn
Birkholz	Gilbert	Leland	Sikkema
Bishop	Goschka	McManus	Stamas
Brown	Hammerstrom	Olshove	Switalski
Cherry	Jacobs		

**Nays—11**

Brater	Garcia	Schauer	Toy
Cassis	George	Scott	Van Woerkom
Clark-Coleman	Hardiman	Thomas	

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5498, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

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. 82****Yeas—21**

Allen	Emerson	Johnson	Sikkema
Basham	George	Kuipers	Stamas
Bishop	Goschka	Patterson	Switalski
Cherry	Hammerstrom	Prusi	Toy
Clark-Coleman	Hardiman	Scott	Van Woerkom
Clarke			

**Nays—16**

Barcia	Cassis	Jacobs	Olshove
Birkholz	Cropsey	Jelinek	Sanborn
Brater	Garcia	Leland	Schauer
Brown	Gilbert	McManus	Thomas

**Excused—0****Not Voting—0**

In The Chair: President

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

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

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

"An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to

create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 960, entitled**

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 408 (MCL 484.1408), as amended by 2004 PA 89.

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. 83**

**Yeas—33**

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

**Nays—4**

Cassis	Cropsey	Patterson	Toy
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**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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 Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

**Senate Bill No. 959, entitled**

A bill to amend 1990 PA 345, entitled “State survey and remonumentation act,” by amending section 11 (MCL 54.271).

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

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

**“(5) IN ADDITION TO ANY OTHER APPROPRIATION, FOR THE 2005-2006 FISCAL YEAR ONLY, IT IS THE INTENT OF THE LEGISLATURE THAT THIS STATE APPROPRIATE AN AMOUNT FROM THE**

**GENERAL FUND TO THE FUND EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT DEPOSITED INTO THE FUND IN THAT YEAR AND \$10,134,000.00. THIS SUBSECTION ONLY APPLIES IF THE AMOUNT DEPOSITED INTO THE FUND IS LESS THAN \$10,134,000.00 FOR THE FISCAL YEAR.”.**

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

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

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

**Senate Bill No. 959**

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

The following bill was read a third time:

**Senate Bill No. 959, entitled**

A bill to amend 1990 PA 345, entitled “State survey and remonumentation act,” by amending section 11 (MCL 54.271).

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. 84**

**Yeas—23**

Basham	Clarke	Johnson	Schauer
Bishop	Emerson	Kuipers	Scott
Brater	Gilbert	Leland	Sikkema
Cassis	Goschka	Olshove	Switalski
Cherry	Hammerstrom	Patterson	Thomas
Clark-Coleman	Jacobs	Prusi	

**Nays—14**

Allen	Cropsey	Jelinek	Stamas
Barcia	Garcia	McManus	Toy
Birkholz	George	Sanborn	Van Woerkom
Brown	Hardiman		

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Cropsey introduced  
**Senate Bill No. 1046, entitled**

A bill to clarify the rights and duties of self-defense and the defense of others; to provide for criminal and civil immunity under certain circumstances; to regulate the investigation of incidents involving self-defense or the defense of others; and to provide for certain remedies.

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

**House Bill No. 5497, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2005 PA 247.

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

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

**House Bill No. 5562, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 541 (MCL 436.1541).

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

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

**Statements**

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

The motion prevailed.

Senator Scott’s statement is as follows:

I have one from Highland Park today. As I mentioned some months ago, there was a press release out that our sheriff had indicated that the crime and theft was down by 80 percent. I just learned the other day that all of our fire hydrants have been replaced, but yet, we’re still paying these high rates. This is a former police officer who is making this statement: “How much longer will poor people have to endure the economic stranglehold on a product that is a must-have by the insurance industry in order to be in compliance with the law and to operation of what has come to be our most reliable transportation mode—a car. Enough is enough. Stop the redlining.”

**Committee Reports**

The Committee on Appropriations reported

**Senate Bill No. 960, entitled**

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending section 408 (MCL 484.1408), as amended by 2004 PA 89.

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, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senator Cropsey

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Appropriations submitted the following:

Meeting held on Thursday, February 9, 2006, at 1:25 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, February 14, 2006, at 1:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:

Joint meeting held on Tuesday, February 14, 2006, at 1:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas and Barcia

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Tuesday, February 14, 2006, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Stamas (C), George, Johnson, Garcia, Cherry and Clarke

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, February 16, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -****Subcommittees -**

**Community Colleges** - Wednesday, February 22, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health Department** - Tuesdays, February 21, February 28, and March 14, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Tuesdays, February 21, February 28, March 7, and March 14, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Fridays, February 17, 10:00 a.m., Michigan State University, Radiology Building Auditorium, Service Drive, East Lansing; February 24, Western Michigan University, Dorothy Upjohn Dalton Fine Arts Center, Room 1006, 1903 W. Michigan, Kalamazoo; March 3, Kettering University, Campus Center, Room A, 1700 W. Third Avenue, Flint; and Monday, March 13, Saginaw Valley State University, Curtiss Hall, Emeriti Room, University Drive, University Center (373-1760)

**Higher Education and House Higher Education and Career Preparation** - Thursday, February 16, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Judiciary and Corrections** - Tuesday, February 21, 3:00 p.m., Room 402, Capitol Building (373-3760)

**K-12, School Aid, Education** - Thursday, February 16, 12:30 p.m., Rooms 402 and 403, Capitol Building (373-6960)

**Natural Resources Department** - Wednesdays, February 22, March 1, March 8, and March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Transportation Department** - Tuesdays, April 18, April 25, May 2, May 9, May 16, and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, February 16, 12:00 noon, Room 100, Farnum Building (373-2417)

**Education** - Thursday, February 16, 4:30 p.m., Midland County Educational Service Agency (ESA), 3917 Jefferson, Midland (373-6920)

**Local, Urban and State Affairs** - Thursday, February 16, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Michigan Law Revision Commission** - Monday, February 27, 1:00 p.m., Legislative Council Administrator's Conference Room, 4th Floor, Boji Tower (373-0212)

**Transportation** - Tuesday, February 21, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 16, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate