

No. 55
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2006

Senate Chamber, Lansing, Tuesday, June 6, 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
Whitmer—present

Senator Thomas M. George of the 20th District offered the following invocation:

Jeremiah 51 (in part), The Lord's Judgment on Babylon:

"Thus saith the Lord: Behold, I will plead thy cause and take vengeance for thee. I will raise up against Babylon and against them that dwell in the midst of them that rise up against me;

Set ye up a standard in the land, blow the trumpet among the nations, prepare the nations against her, call together against her the kingdoms; appoint a captain against her; cause the horses to come up as the rough caterpillars.

Against him that bendeth let the archer bend his bow, and spare ye not her young men;

Thou art my battle-axe and weapons of war: for with thee I will break in pieces the nations, and with thee will I destroy kingdoms;

And with thee will I break in pieces the horse and his rider; the chariot and his rider;

With thee also will I break in pieces man and woman; old and young; and with thee will I break in pieces the young man and the maid;

I will also break in pieces with thee the shepherd and his flock; the husbandman and his yoke of oxen; and with thee will I break in pieces captains and rulers.

And the land shall tremble and sorrow: for every purpose of the Lord shall be performed against Babylon, to make the land of Babylon a desolation without an inhabitant.

My people, go ye out of the midst of her, and deliver ye every man his soul from the fierce anger of the Lord."

Amen.

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

Motions and Communications

Senators Goschka, Garcia and Basham entered the Senate Chamber.

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

Senate Bill No. 246

The motion prevailed.

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bill:

House Bill No. 5786, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5786

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

Senator Schauer moved that Senator Barcia be temporarily excused from today's session.

The motion prevailed.

Senator Barcia entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

June 1, 2006

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Peter Munoz as Director of the Michigan State Police, and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Senator Ken Sikkema
Chairman, Senate Government Operations Committee

The communication was referred to the Secretary for record.

The following communication was received and read:
Department of State

June 5, 2006

I, Terri Lynn Land, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on February 21, 2006 by Citizens for Education, P.O. Box 2573, East Lansing, Michigan 48826-2573. I further certify that on June 5, 2006 the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Terri Lynn Land
Secretary of State

INITIATION OF LEGISLATION

An initiation of Legislation to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts." (MCL 388.1601 to 388.1772), by amending the title and section 11 (MCL 388.1611), the title as amended by 2003 PA 158, and section 11 as amended by 2004 PA 351, and by adding sections 12 and 147a.

Existing Michigan law is set forth below. Alterations to existing provisions of law are set forth below in **BOLD AND UPPERCASE LETTERS** to indicate new language and ~~strike through~~ to indicate deleted language.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Title

An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; **TO ESTABLISH MINIMUM FUNDING FOR THE PUBLIC SCHOOLS, THE INTERMEDIATE SCHOOL DISTRICTS, THE COMMUNITY COLLEGES, THE PUBLIC UNIVERSITIES, AND THE INDEPENDENT NONPROFIT COLLEGES OR UNIVERSITIES OF THIS STATE**; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.

Sec. 11. (1) ~~In addition to all other appropriations under this act for that fiscal year, for the fiscal year ending September 30, 2004, there is appropriated to the state school aid fund from the unreserved balance in the general fund an amount equal to any deficit balance that would otherwise exist in the state school aid fund at bookclosing for the fiscal year ending September 30, 2004. For the fiscal year ending September 30, 2005 2007, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$10,909,200,000.00 from the state school aid fund established by section 11 of article IX of the state constitution of 1963 and the sum of~~

~~\$264,700,000.00 from the general fund~~ FROM THE STATE SCHOOL AID FUND THE SUM NECESSARY TO FULFILL THE REQUIREMENTS OF THIS ACT, AND ANY DEFICIENCY IS APPROPRIATED FROM THE GENERAL FUND. In addition, available federal funds are appropriated for ~~each of those fiscal years~~ THAT FISCAL YEAR.

(2) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS SHALL NOT BE LESS THAN THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS FOR THE 2004-2005 STATE FISCAL YEAR, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS SHALL BE INCREASED FROM THE TOTAL AMOUNT FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. AS USED IN THIS SUBSECTION, "GENERAL PRICE LEVEL" MEANS THE CONSUMER PRICE INDEX FOR THE UNITED STATES AS DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY.

(3) ~~(2)~~ The appropriations under this section shall be allocated as provided in this act. Money appropriated under this section from the general fund shall be expended to fund the purposes of this act before the expenditure of money appropriated under this section from the state school aid fund. If the ~~maximum amount appropriated~~ AMOUNT AVAILABLE FOR APPROPRIATION under this section from the state school aid fund for the fiscal year exceeds the amount necessary to fully fund allocations under this act from the state school aid fund, that excess amount shall not be expended in that state fiscal year and shall not lapse to the general fund, but instead shall be deposited into the school aid stabilization fund created in section 11a.

~~(3) If the maximum amount appropriated under this section from the state school aid fund and the school aid stabilization fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, payments under sections 11f, 11g, 11j, 22a, 26a, 31d, 51a(2), 51a(12), 51c, 53a, and 56 shall be made in full. In addition, for districts beginning operations after 1994-95 that qualify for payments under section 22b, payments under section 22b shall be made so that the qualifying districts receive the lesser of an amount equal to the 1994-95 foundation allowance of the district in which the district beginning operations after 1994-95 is located or \$5,500.00. The amount of the payment to be made under section 22b for these qualifying districts shall be as calculated under section 22a, with the balance of the payment under section 22b being subject to the proration otherwise provided under this subsection and subsection (4). Subject to subsection (5), if proration is necessary after 2002-2003, state payments under each of the other sections of this act from all state funding sources shall be prorated in the manner prescribed in subsection (4) as necessary to reflect the amount available for expenditure from the state school aid fund for the affected fiscal year. However, if the department of treasury determines that proration will be required under this subsection, or if the department of treasury determines that further proration is required under this subsection after an initial proration has already been made for a fiscal year, the department of treasury shall notify the state budget director, and the state budget director shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this act because of the proration. During the 30 calendar day or 6 legislative session day period after that notification by the state budget director, the department shall not reduce any payments under this act because of proration under this subsection. The legislature may prevent proration from occurring by, within the 30 calendar day or 6 legislative session day period after that notification by the state budget director, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to fund the amount of the projected shortfall.~~

~~(4) Subject to subsection (5), if proration is necessary, the department shall calculate the proration in district and intermediate district payments that is required under subsection (3) as follows:~~

~~(a) The department shall calculate the percentage of total state school aid allocated under this act for the affected fiscal year for each of the following:~~

~~(i) Districts.~~

~~(ii) Intermediate districts.~~

~~(iii) Entities other than districts or intermediate districts.~~

~~(b) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(i) for districts by reducing payments to districts. This reduction shall be made by calculating an equal dollar amount per pupil as necessary to recover this percentage of the proration amount and reducing each district's total state school aid from state sources, other than payments under sections 11f, 11g, 11j, 22a, 26a, 31d, 51a(2), 51a(12), 51c, and 53a, by that amount.~~

~~(c) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(ii) for intermediate districts by reducing payments to intermediate~~

~~districts. This reduction shall be made by reducing the payments to each intermediate district, other than payments under sections 11f, 11g, 26a, 51a(2), 51a(12), 53a, and 56, on an equal percentage basis.~~

~~(d) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(iii) for entities other than districts and intermediate districts by reducing payments to these entities. This reduction shall be made by reducing the payments to each of these entities, other than payments under sections 11j and 26a, on an equal percentage basis.~~

~~(5) Beginning in 2004-2005, if a district has an emergency financial manager in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, payments to that district are not subject to proration under this section.~~

~~(4) (6) Except for the allocation under section 26a, any general fund allocations under this act that are not expended by the end of the state fiscal year are transferred to the state school aid fund. If it is determined at the May 2005 revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, that there is additional school aid fund revenue beyond that determined at the May 2004 revenue estimating conference, then it is the intent of the legislature to enact legislation to fund, to the extent that revenues are available, the same programs in the same amount that were funded under section 81 in 2003 PA 236 and the same pupil membership formula as in effect under 2003 PA 236.~~

SEC. 12. (1) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE AMOUNT OF THE BASIC FOUNDATION ALLOWANCE IS CALCULATED UNDER SECTION 20 AND THE AMOUNTS ALLOCATED UNDER SECTIONS 22A, 22B, 31A, 51A, 51C, AND 81, RESPECTIVELY, SHALL NOT BE LESS THAN THOSE AMOUNTS AS ORIGINALLY ENACTED FOR THE 2004-2005 STATE FISCAL YEAR BEFORE ANY PRORATION, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE AMOUNT OF THE BASIC FOUNDATION ALLOWANCE AS CALCULATED UNDER SECTION 20 AND THE AMOUNTS ALLOCATED UNDER SECTIONS 22A, 22B, 31A, 51A, 51C, AND 81, RESPECTIVELY, SHALL BE INCREASED FROM THOSE AMOUNTS FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(2) AS USED IN THIS SECTION, THE MEMBERSHIP FIGURE CALCULATED UNDER SECTION 6 IS THE GREATER OF THE FOLLOWING:

(A) THE AVERAGE OF THE DISTRICT'S MEMBERSHIP FOR THE 3-FISCAL-YEAR PERIOD ENDING WITH THAT FISCAL YEAR, CALCULATED BY ADDING THE DISTRICT'S ACTUAL MEMBERSHIP FOR EACH OF THOSE 3 FISCAL YEARS, AS OTHERWISE CALCULATED UNDER SECTION 6, AND DIVIDING THE SUM OF THOSE 3 MEMBERSHIP FIGURES BY 3.

(B) THE DISTRICT'S ACTUAL MEMBERSHIP FOR THAT FISCAL YEAR AS OTHERWISE CALCULATED UNDER SECTION 6.

(3) CONTEMPORANEOUS WITH THE INCREASES IN THE BASIC FOUNDATION ALLOWANCE PROVIDED FOR IN SUBSECTION (1), BEGINNING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE LEGISLATURE SHALL DECREASE TO \$1,000 BY THE 2011-2012 FISCAL YEAR THE STATE FUNDING GAP BETWEEN THE BASIC FOUNDATION ALLOWANCE AND THE MAXIMUM FOUNDATION ALLOWANCE.

(4) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES SHALL NOT BE LESS THAN THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES FOR THE 2004-2005 STATE FISCAL YEAR, AS PROVIDED BY 2004 PA 358, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES SHALL BE INCREASED FROM THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(5) IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR HIGHER EDUCATION SHALL NOT BE LESS THAN THE SUM OF THE GROSS APPROPRIATION FOR HIGHER EDUCATION FOR THE 2004-2005 STATE FISCAL YEAR, AS PROVIDED BY 2004 PA 352, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR HIGHER EDUCATION SHALL BE INCREASED FROM THE GROSS APPROPRIATION FOR HIGHER EDUCATION FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(6) AS USED IN THIS SECTION:

(A) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR ESTABLISHED UNDER PART 25 OF THE REVISED SCHOOL CODE, MCL 380.1601 TO 380.1607

(B) "GENERAL PRICE LEVEL" MEANS THE CONSUMER PRICE INDEX FOR THE UNITED STATES AS DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY.

SEC. 147A. (1) OF ALL OF THE TOTAL PERCENTAGE POINTS DETERMINED AND ASSIGNED TO REPORTING UNITS PURSUANT TO THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1408, AND ALLOCATED TO REPORTING UNITS UNDER PURSUANT TO THE PUBLIC SCHOOL EMPLOYEES ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1408, AND ALLOCATED TO REPORTING UNITS UNDER SECTION 147 OR OTHERWISE OFFICIALLY COMMUNICATED TO REPORTING UNITS, EACH REPORTING UNIT IS RESPONSIBLE FOR PAYING FROM ITS GENERAL OPERATING FUNDS 80% OF THE TOTAL PERCENTAGE POINTS OR 14.87%, WHICHEVER IS LESS. EACH REPORTING UNIT SHALL PAY THE REMAINING BALANCE OF THE TOTAL PERCENTAGE POINTS TO THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM FROM FUNDS APPROPRIATED TO THE REPORTING UNITS FOR THIS PURPOSE UNDER SUBSECTION (2).

(2) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, IN ADDITION TO THE GENERAL FUND MONEY APPROPRIATED UNDER SECTION 11, THERE IS APPROPRIATED FROM THE GENERAL FUND TO THE REPORTING UNITS THE SUM NECESSARY FOR PAYING THE REMAINING BALANCE OF THE TOTAL PERCENTAGE POINTS TO BE PAID BY THE REPORTING UNITS AS DESCRIBED IN SUBSECTION (1).

(3) AS USED IN THIS SECTION, "REPORTING UNIT" MEANS THAT TERM AS DEFINED IN SECTION 7 OF THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1307.

Enacting section 1. This amendatory act shall be known as the "educational funding guarantee law".

The initiative petition was received in the Senate on June 5, 2006, at 2:01 p.m.

CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on February 21, 2006 by Citizens for Education, P.O. Box 2573 East Lansing, MI 48826-2573, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 254,206.

Kathy DeGrow
Chairperson

Doyle O'Connor
Vice-Chairperson

Ethelyn Bankes
Member

The communication was referred to the Secretary for record.

The following communication was received:
Department of Human Services

May 24, 2006

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Adrian Training School	2005C0212028	CS460200931

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 & Information" at the following address: <http://www.michigan.gov/dhs/>.

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 Secretary announced the enrollment printing and presentation to the Governor on Monday, June 5, for her approval the following bills:

Enrolled Senate Bill No. 1133 at 3:00 p.m.
Enrolled Senate Bill No. 1134 at 3:02 p.m.
Enrolled Senate Bill No. 1135 at 3:04 p.m.
Enrolled Senate Bill No. 1136 at 3:06 p.m.

Enrolled Senate Bill No. 1137 at 3:08 p.m.
Enrolled Senate Bill No. 1138 at 3:10 p.m.
Enrolled Senate Bill No. 1139 at 3:12 p.m.
Enrolled Senate Bill No. 1140 at 3:14 p.m.
Enrolled Senate Bill No. 1141 at 3:16 p.m.
Enrolled Senate Bill No. 1142 at 3:18 p.m.
Enrolled Senate Bill No. 1143 at 3:20 p.m.
Enrolled Senate Bill No. 1144 at 3:22 p.m.
Enrolled Senate Bill No. 1145 at 3:24 p.m.
Enrolled Senate Bill No. 837 at 3:26 p.m.
Enrolled Senate Bill No. 1184 at 3:28 p.m.

The Secretary announced that the following official bills were printed on Thursday, June 1, and are available at the legislative website:

House Bill Nos. 6116 6117 6118

The Secretary announced that the following official bills were printed on Friday, June 2, and are available at the legislative website:

Senate Bill No. 1288
House Bill Nos. 6119 6120 6121 6122 6123 6124 6125 6126 6127 6128 6129 6130 6131 6132
6133 6134

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

The Citizens for Education
Legislative Initiative Petition

An initiation of legislation to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending the title and section 11, and by adding sections 12 and 147a, to establish minimum funding for the public schools, the intermediate school districts, the community colleges, the public universities, and the independent nonprofit colleges or universities of this state.

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

Senators Hammerstrom and Johnson introduced
Senate Bill No. 1289, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by repealing section 216 (MCL 330.1216). The bill was read a first and second time by title and referred to the Committee on Health Policy.

By unanimous consent the Senate returned to the order of
Messages from the Governor

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

Senate Bill No. 272
Senate Bill No. 271
Senate Bill No. 264
Senate Bill No. 274
Senate Bill No. 281
Senate Bill No. 175
Senate Bill No. 236
Senate Bill No. 892
Senate Bill No. 893
Senate Bill No. 956
Senate Bill No. 957
Senate Bill No. 179
Senate Bill No. 1026
Senate Bill No. 1027
Senate Bill No. 1028

Senate Bill No. 372
Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 976
Senate Bill No. 242
 The motion prevailed.

The following message from the Governor was received and read:

June 1, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

State Board of Accountancy

Ms. Beth A. Bialy of 14178 Kenneth Drive, Carleton, Michigan 48117, county of Monroe, reappointed to represent certified public accountants, for a term commencing July 1, 2006 and expiring June 30, 2010.

Mr. Stephen H. Epstein of 4608 Maura Lane, West Bloomfield, Michigan 48323, county of Oakland, reappointed to represent certified public accountants, for a term commencing July 1, 2006 and expiring June 30, 2010.

Sincerely,
 Jennifer M. Granholm
 Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 875
Senate Bill No. 538
Senate Bill No. 693
 The motion prevailed.

Senate Bill No. 1080, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (H-1).

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

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

Roll Call No. 444

Yeas—0

Nays—38

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1082, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (H-1).

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

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

Roll Call No. 445

Yeas—0

Nays—38

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1083, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

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

Roll Call No. 446

Yeas—0

Nays—38

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1084, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (H-1).

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

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

Roll Call No. 447

Yeas—0

Nays—38

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1085, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (H-1).

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

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

Roll Call No. 448**Yeas—0****Nays—38**

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 1086, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

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

Roll Call No. 449**Yeas—0****Nays—38**

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1087, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (H-1).

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

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

Roll Call No. 450

Yeas—0

Nays—38

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1088, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (H-1).

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

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

Roll Call No. 451**Yeas—0****Nays—38**

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 1089, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

Substitute (H-1).

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

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

Roll Call No. 452**Yeas—0****Nays—38**

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 1090, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (H-1).

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

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

Roll Call No. 453**Yeas—0****Nays—38**

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 1091, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Substitute (H-1).

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

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

Roll Call No. 454**Yeas—0****Nays—38**

Allen	Clarke	Jelinek	Schauer
Barcia	Cropsey	Johnson	Scott
Basham	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy

Cassis
Cherry
Clark-Coleman

Hammerstrom
Hardiman
Jacobs

Prusi
Sanborn

Van Woerkom
Whitmer

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 1092, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (H-1).

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

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

Roll Call No. 455

Yeas—0

Nays—38

Allen
Barcia
Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry
Clark-Coleman

Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman
Jacobs

Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom
Whitmer

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 1093, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Substitute (H-1).

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

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

Roll Call No. 456**Yeas—0****Nays—37**

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

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senate Bill No. 1094, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (H-1).

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

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

Roll Call No. 457**Yeas—0****Nays—37**

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

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senate Bill No. 1095, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 20, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32k, 32l, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632k, 388.1632l, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1705, 388.1705c, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11f, 11g, 11j, 15, 18, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, and 54a as added by 2005 PA 155, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, sections 25a and 161a as added by 1998 PA 553, section 32k as added by 2004 PA 351, and section 121 as amended by 1995 PA 130, and by adding sections 11m, 11n, 22c, 22e, 24a, 24c, 29, 31c, 32, 32b, 32m, 34, 34a, 35, 64, 65, 66, 98a, 99c, and 104; and to repeal acts and parts of acts.

Substitute (H-1).

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

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

Roll Call No. 458

Yeas—0

Nays—37

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

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senate Bill No. 1096, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Substitute (H-1).

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

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

Roll Call No. 459**Yeas—0****Nays—37**

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

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senate Bill No. 1097, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2007; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Substitute (H-1).

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

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

Roll Call No. 460**Yeas—0****Nays—37**

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

Excused—1

Schauer

Not Voting—0

In The Chair: President

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 Bishop 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. 4118, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318.

House Bill No. 4594, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

House Bill No. 4595, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

House Bill No. 4596, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

House Bill No. 5396, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

Senate Bill No. 926, entitled

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

House Bill No. 5962, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 406 (MCL 550.1406).

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

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

House Bill No. 5602, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

Substitute (S-1).

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

1. Amend page 2, following line 25, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 420 of the 93rd Legislature is enacted into law."

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. 5125, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

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. 420, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7b (MCL 722.27b), as amended by 2004 PA 542.

Substitute (S-1).

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

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

House Bill No. 5014, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5927 (MCL 333.5927), as added by 1987 PA 258.

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

1. Amend page 1, line 6, after "**OFFICERS,**" by inserting "**PAROLEES,**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5015, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5901, 5911, 5913, 5915, 5919, and 5923 (MCL 333.5901, 333.5911, 333.5913, 333.5915, 333.5919, and 333.5923), as added by 1987 PA 258, and by adding section 5906; 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:
House Bill No. 5143, entitled

A bill to clarify the rights and duties of self-defense and the defense of others; and to provide for certain remedies.

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:
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.

Substitute (S-2).

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

1. Amend page 2, line 7, after "force" by striking out "knows or has reason to believe" and inserting "honestly and reasonably believes that".

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. 5142, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

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. 5153, entitled

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

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. 1185, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2922b.

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. 5548, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2922b.

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. 5786, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

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 Schauer entered the Senate Chamber.

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. 5143

Senate Bill No. 1046

House Bill No. 5142

House Bill No. 5153

Senate Bill No. 1185

House Bill No. 5548**House Bill No. 5786**

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

The following bill was read a third time:

House Bill No. 5143, entitled

A bill to clarify the rights and duties of self-defense and the defense of others.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 1, line 1, after the quotation mark by striking out the balance of the line through “Sweet” on line 2.

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

The question being on the passage of the bill,

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

Roll Call No. 461**Yeas—28**

Allen	Cherry	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Garcia	Kuipers	Sikkema
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brown	Goschka	Patterson	Toy
Cassisi	Hammerstrom	Prusi	Van Woerkom

Nays—10

Brater	Emerson	Leland	Thomas
Clark-Coleman	Jacobs	Scott	Whitmer
Clarke	Johnson		

Excused—0**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.

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1046, entitled

A bill to create a rebuttable presumption regarding the use of self-defense or the defense of others.

The question being on the passage of the bill,

Senator Whitmer offered the following amendments:

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

“(e) The individual against whom deadly force or force other than deadly force is used is the spouse or former spouse of the individual using deadly force or force other than deadly force, an individual with whom the individual using deadly force or other than deadly force has or had a dating relationship, an individual with whom the individual

using deadly force or other than deadly force has had a child in common, or a resident or former resident of his or her household, and the individual using deadly force or other than deadly force has a prior history of domestic violence as the aggressor.”

2. Amend page 3, following line 9, by inserting:

“(a) “Domestic violence” means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.” and relettering the remaining subdivisions.

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

Senator Thomas offered the following amendment:

1. Amend page 1, line 4, after “the” by striking out “Dr. Ossian Sweet”.

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

The question being on the passage of the bill,

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

Roll Call No. 462

Yeas—30

Allen	Cropsey	Jelinek	Schauer
Barcia	Garcia	Kuipers	Sikkema
Basham	George	McManus	Stamas
Birkholz	Gilbert	Olshove	Switalski
Bishop	Goschka	Patterson	Toy
Brown	Hammerstrom	Prusi	Van Woerkom
Cassis	Hardiman	Sanborn	Whitmer
Cherry	Jacobs		

Nays—8

Brater	Clarke	Johnson	Scott
Clark-Coleman	Emerson	Leland	Thomas

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Protest

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5143 and Senate Bill No. 1046 and moved that the statement she made during the discussion of House Bill No. 5142 be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I am appreciative of the improvements that have been made to the package and the amendments that have been accepted. I want to thank especially my colleague from the 23rd District who worked so hard to make some important improvements to these bills.

The fact of the matter remains that this is still a dangerous and reckless package, and I want to tell you why I am voting “no” on all of these bills. First of all, in the state of Michigan we already have the right of self-defense without

the duty to retreat in the home or from a violent and sudden attack. We can and we should and we do have that right. There's nothing that needs to be done to assert the right. It already exists. In specific, the current common law use of deadly force in self-defense is as follows: If the defendant honestly and reasonably believes that he or she is in danger of being killed, seriously injured, or sexually assaulted, or the defendant honestly and reasonably believes that it is immediately necessary to use deadly force; but without the use of deadly force if there's only a threat of a minor injury. That is the current common law use of the deadly force in self-defense. Michigan law already adequately addresses the use of deadly force.

In *People v Riddle*, the Michigan Supreme Court addressed the issue of the use of deadly force in self-defense and found that there is no duty to retreat from a sudden and violent attack. A person is never required to retreat from a sudden, fierce, and violent attack, nor is he or she required to retreat from an attacker whom he or she reasonably believes is about to use a deadly weapon. In these circumstances, he or she may stand his or her ground and meet force with force. A person attacked in his or her own dwelling is never required to retreat. There was some question about the area around the home or the curtilage, and I could see some if you felt the need to refine that in law, I would have perhaps supported that, but these bills go far beyond that.

This goes far beyond codifying existing common law. What about a situation in public places? If you are approached by a person with mental illness or a person who is drunk, or, as we just heard on the news today, 3 out of 100 people are afflicted with intermittent explosive disorder—the disorder that causes road rage—what are you going to do if you are approached by a person like that and you perceive yourself to be in a state of danger? We are creating a Wild West mentality in this state and I oppose it.

I am also very concerned about the establishment of the rebuttable presumption in this package. The *Harvard Law Journal on Legislation* recently outlined some inherent problems with the Castle Doctrine as passed in Florida, which is the basis for the package of these bills. The article focused on a case in Florida where two children found several comic books and PEZ dispensers in a trailer and they began searching for the owner so they could ask permission to take what they had found. During their search, the children found another trailer and entered through an unlocked sliding glass door, and the owner jumped up and asked them what they were doing there. Before the children could answer, the owner fired at close range and killed one of the little boys. I repeat, the owner shot and killed a little boy armed with comic books and a PEZ dispenser.

Applying this situation to the package of bills before us, there would be a presumption that the owner of the trailer was justified in using deadly force against these little boys. Not only that, but civil immunity would also apply.

There was also an assertion that this package dealt with victims' rights. The sponsors of these bills could not find one case where a victim of home invasion was prosecuted for trying to defend himself or herself. They reached back to 1925 to the *Sweet* case, which, as we heard earlier on the floor today, was not even applicable.

There were also assertions that gun violence is not a problem in this state. They brought up the issue of people with concealed weapons permits not having a high risk of inapplicable use or inappropriate use of their weapons. Well, this package has nothing to do with concealed weapons permits. This package applies to everybody in the state of Michigan. I could go on and on with the statistics of the incidents of gun violence in this state. It is an epidemic and it's killing people night and day in this state.

This legislation sends the wrong message. We should try to resolve our conflicts peacefully with words, not guns. It is reckless and I urge you to oppose it.

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

The motion prevailed.

Senator Whitmer's statement is as follows:

I offer the amendment before you today. I have spoken with the chair of the committee and a number of members in this chamber on both sides of the aisle, and I offer this amendment because I am trying to achieve protection for some of the most harmed victims and that's victims of domestic violence.

My amendment ensures that where there is a previous domestic relationship of some sort between the domestic violence victim who is now dead and the abuser, who would here be classified as a Castle Doctrine victim, that the rebuttable presumption would not apply. In other words, if an abuser kills someone with whom he or she had a domestic relationship, they do not get a presumption that their act was in self-defense. Mind you, they can still claim and prove self-defense, but they don't get a free pass by virtue of their violent history.

In committee these bills were characterized in two fundamental ways: one for victims' rights and the other a codification of the current law, nothing more. However, there is a fundamental problem with both assertions. If one domestic violence victim cannot get justice because of the rebuttable presumption protecting his or her abuser, the bills deal a setback to victims' rights and go far beyond the current common law.

I appreciate the chairman's willingness to work with me on this amendment. I appreciate your support on both sides of the aisle, and I appreciate your support in passing this amendment right now.

Senator Cropsey's statement is as follows:

I just want to commend the sponsor of the amendment. She has worked with us on this and we are making it very clear, by this amendment, in a domestic violence situation that somebody's claiming self-defense, they are not protected by this if they have been an aggressor in previous domestic violence situations. That only seems right on this, and I do appreciate the sponsor of the amendment bringing this issue forward. I do hope that we vote for this amendment.

The following bill was read a third time:

House Bill No. 5142, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 1, line 2, after "**THE**" by striking out the balance of the line through "**SWEET**" on line 3.

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

The question being on the passage of the bill,

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

The motion prevailed.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

There's a lot of misinformation, I think, out there. All you have to do is just read the bills. The bills are not lengthy. There are technical issues in them, but they are understandable. Let me give you an example: Under one of the main bills, House Bill No. 5143, this is section 2, the first one is the naming section, but it says, "An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force, may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following (two things) apply:"

Now, first of all, even in that introductory part, they can't be involved in the commission of a crime. Now what does that mean? If somebody is carrying concealed, but they don't have a concealed weapons permit, they are committing a crime. They cannot use that weapon and come under this law. What is that saying? Very frankly, it is saying that when people get a concealed weapons permit, they are being taught and trained how to properly use their weapon. Education is a huge, huge issue in this. And for somebody to go out there and claim that they are using this, but yet they do not have a concealed weapons permit, they can't use this if it's apart from their property.

What's one of the first things there, the individual honestly and reasonably—there's a reasonable standard in this—believes that the use of deadly force is necessary to prevent the imminent death or imminent great bodily harm to himself or herself or to another individual. So you have to have a reasonable belief that there's death involved or will be involved or honestly and reasonably believe that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or another individual.

I mean, this is one of those things that you just say, okay, you've got a reasonable belief that there's death or a reasonable belief of rape. I don't know of anybody in this institution who doesn't think that they ought to be able to use reasonable force, including deadly force, to protect themselves from death or from rape. That's what we are talking about. This is basic common sense. Much of this is codifying the current law, the common law, and that's what we are talking about here.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

Senator Johnson and Hammerstrom offered the following resolution:

Senate Resolution No. 146.

A resolution encouraging the State Board of Education to incorporate suicide prevention and education as part of the state of Michigan's public school curriculum.

Whereas, Suicide is a leading cause of death for young people in this state. According to the Michigan Department of Community Health, in 2001 there were 1,045 suicide deaths in the state of Michigan. Suicide was the third-leading cause of death in Michigan for ages 15-34; and

Whereas, A suicide can devastate a community. According to the National Alliance for the Mentally Ill (NAMI), suicide severely impacts the families and friends left behind, who often wrongly live with extreme shame and guilt over not having prevented the death of their loved one. Moreover, many attempts which do not result in death nonetheless end in serious injury to the victims and lifelong trauma to their families and those who know them; and

Whereas, A person who is considering suicide may exhibit behavioral warning signs. If someone notices the warning signs of suicide, it may be possible to avert a tragedy. With the possible exception of a parent, no one is better situated than a teacher to detect these signs and to initiate appropriate steps to prevent a suicide attempt; and

Whereas, Proper training for teaching staff members can thus save pupils' lives and save the families and friends of would-be victims the trauma of a suicide or suicide attempt. Moreover, early identification of depression and other problems may help to reduce the number of young people who commit or attempt to commit suicide once they have left school and entered adulthood; now, therefore, be it

Resolved by the Senate, That the State Board of Education is hereby encouraged to incorporate suicide prevention and education as part of the state of Michigan's public school curriculum; and be it further

Resolved, That a copy of this resolution be transmitted to the State Board of Education.

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 Education.

The motion prevailed.

Senators Barcia, Cherry, Clarke, Goschka and Switalski were named co-sponsors of the resolution.

Senator Schauer stated that had he been present earlier today when the votes were taken on concurring in the House substitutes to the following bills, he would have voted "nay":

Senate Bill No. 1093

Senate Bill No. 1094

Senate Bill No. 1095

Senate Bill No. 1096

Senate Bill No. 1097

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 46.

A concurrent resolution to increase the total project cost of the Instructional Addition/Renovation project at Alpena Community College.

Whereas, The Alpena Community College Instructional Addition/Renovation project was authorized in 2005 PA 297 with a total project cost of \$3,335,000; and

Whereas, Alpena Community College has estimated that the total cost to construct the Instructional Addition/Renovation project has increased to \$4,105,500; and

Whereas, Alpena Community College has agreed to fund the increase in the project cost of \$770,500, with the state commitment remaining at \$1,667,500; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Alpena Community College Instructional Addition/Renovation project to an amount not to exceed \$4,105,500 (State Building Authority share \$1,667,300; the State General Fund/General Purpose share \$200; and Alpena Community College share \$2,438,000) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, the State Building Authority, and Alpena Community College.

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

Senator Hammerstrom moved that the rule be suspended.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the adoption of the concurrent resolution,
Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.
The motion prevailed.
Senators Barcia, Clarke, Goschka and Switalski were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

Senate Concurrent Resolution No. 47.

A concurrent resolution to revise the total project cost and to revise the scope of the Department of Transportation Cadillac Transportation Service Center project.

Whereas, The Department of Transportation Cadillac Transportation Service Center project was originally authorized in 2001 PA 45 with a total project cost of \$1,000,000 and subsequently revised in 2005 PA 297 to a total project cost of \$2,911,400 in recognition of a change in scope to include development of an intermodal facility in partnership with the Cadillac-Wexford Transit Authority; and

Whereas, The Department of Transportation has recently received notification from the Cadillac-Wexford Transit Authority that it wishes to withdraw from the project due to financial considerations; and

Whereas, The Department of Transportation, together with the Department of Management and Budget, wishes to proceed with the Transportation Service Center component of the project as originally authorized in 2001 PA 45; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to revise the scope of the Department of Transportation Cadillac Transportation Service Center project and to revise the total authorized cost to an amount not to exceed \$1,000,000 (State Trunkline Fund share \$1,000,000) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, This revision to the scope and cost of the Department of Transportation Cadillac Transportation Service Center project will not go into effect until approved by the Joint Capital Outlay Subcommittee; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Director of the Department of Transportation.

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

Senator Hammerstrom moved that the rule be suspended.
The motion prevailed, a majority of the members serving voting therefor.
The question being on the adoption of the concurrent resolution,
Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.
The motion prevailed.
Senators Barcia, Goschka and Switalski were named co-sponsors of the concurrent resolution.

Senator Jelinek offered the following concurrent resolution:

Senate Concurrent Resolution No. 48.

A concurrent resolution to increase the total project cost and to revise the scope of the Information Technology Center/Renovation project at Southwestern Michigan College.

Whereas, The Southwestern Michigan College Information Technology Center/Renovation project was authorized in 2005 PA 297 with a total project cost of \$4,500,000; and

Whereas, Southwestern Michigan College has estimated that the total cost to construct the Information Technology Center/Renovation project has increased to \$5,047,700; and

Whereas, Southwestern Michigan College has agreed to fund the increase in the project cost of \$547,700, with the state commitment remaining at \$2,250,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Southwestern Michigan College Information Technology Center/Renovation

project to an amount not to exceed \$5,047,700 (State Building Authority share \$2,249,800; the State General Fund/General Purpose share \$200; and Southwestern Michigan College share \$2,797,700) and to revise the scope of the project, and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, This revision to the scope and cost of the Southwestern Michigan College Information Technology Center/Renovation project will not go into effect until approved by the Joint Capital Outlay Subcommittee; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, the State Building Authority, and Southwestern Michigan College.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Barcia, Goschka and Switalski were named co-sponsors of the concurrent resolution.

Statements

Senator Clark-Coleman stated that had she been present on June 1 when the vote was taken on concurring in the House substitute, as substituted, to the following bill, she would have voted "yea":

Senate Bill No. 1112

Senator Clark-Coleman stated that had she been present on June 1 when the votes were taken on the passage of the following bills, she would have voted "yea":

House Bill No. 5841

House Bill No. 5798

House Bill No. 5822

House Bill No. 5845

Senate Bill No. 640

Senate Bill No. 641

Senate Bill No. 642

Senate Bill No. 1269

Senate Bill No. 95

Senate Bill No. 1282

Senate Bill No. 1255

House Bill No. 6034

Senator Clark-Coleman stated that had she been present on June 1 when the votes were taken on the passage of the following bills, she would have voted "nay":

House Bill No. 4072

House Bill No. 4271

House Bill No. 4468

Senate Bill No. 1215

Senators Brown 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 Brown's statement is as follows:

It is hard for us to imagine today, especially here in this setting where we so freely express our liberty, that 62 years ago today 73,000 American troops stormed the beaches of Normandy. The operation was well planned, but violence and death took their toll. America lost 6,603 brave men in D-Day operations. White crosses and stars now stand sentinel to their memory.

New names were added to our lexicon of war that fateful day—names like Higgins Boats, the D-Day landing craft, and beach names like Omaha and Utah, not to mention Sword, Juno, and Gold.

And then there is the name D-Day itself, meaning the day on which a military operation begins. The “D” is derived from the word “day.”

Of the 156,000 Allied troops that landed that sixth day of June, there were 10,000 Allied casualties, a number equal to the entire population of Sturgis, Michigan.

There is one thing we can do this day and that is to remember and to reach deep within the recesses of our own souls for that depth of gratitude worthy of the sacrifice of these brave men. May we never forget their courage, their valor, and their sacrifice on the altar of freedom.

Senator Scott’s statement is as follows:

This is a story from my insurance redlining. It says, “If insurance was affordable in the city of Detroit, possibly the disadvantaged could afford it and bring down the insurance rates of those who pay exorbitant prices. I applaud your efforts at solving this systemic problem.”

Committee Reports

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1279, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending sections 106, 133, 141, 143, 151, 404, 405, 407, 413, 441, 446, 451, 521, 525, 1103, and 1144 (MCL 450.2106, 450.2133, 450.2141, 450.2143, 450.2151, 450.2404, 450.2405, 450.2407, 450.2413, 450.2441, 450.2446, 450.2451, 450.2521, 450.2525, 450.3103, and 450.3144), sections 1103 and 1144 as added by 1984 PA 209, and by adding section 406a.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 435, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending sections 3, 3a, 5, 5b, 5c, 8, 10, 10a, and 11b (MCL 432.103, 432.103a, 432.105, 432.105b, 432.105c, 432.108, 432.110, 432.110a, and 432.111b), section 3 as amended by 1995 PA 275, sections 3a, 5b, 5c, and 11b as added and sections 5, 10, and 10a as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 50, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 545.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

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).

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

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 1016, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601, 2605, 2611, 2613, 2614, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 (MCL 339.2601, 339.2605, 339.2611, 339.2613, 339.2614, 339.2615, 339.2617, 339.2619, 339.2621, 339.2627, 339.2629, 339.2633, 339.2635, and 339.2637), sections 2601, 2605, 2611, 2613, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 as amended and section 2614 as added by 1999 PA 170.

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

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 6070, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35e; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4849, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2002 PA 42, and by adding section 2512d.

With the recommendation that the bill pass.

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4850, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert and Jacobs

Nays: Senator Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, May 31, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Technology and Energy reported

House Bill No. 5181, entitled

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; 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.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove and Leland

Nays: None

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

The Committee on Technology and Energy reported

House Bill No. 5751, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 5752, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove and Leland
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 5754, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 78.
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.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove and Leland
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 5755, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.
With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Brown, Cassis, Olshove, Leland and Thomas
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 31, 2006, at 3:00 p.m., Room 210, Farnum Building
Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Olshove, Leland and Thomas

The Committee on Agriculture, Forestry and Tourism reported

House Bill No. 4366, entitled

A bill to repeal 1897 PA 160, entitled "An act to establish a lien upon horses and other animals for the cost of shoeing the same," (MCL 570.351 to 570.363).

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Whitmer
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

House Bill No. 5347, entitled

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

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

House Bill No. 5346, entitled

A bill to amend 1976 PA 412, entitled "An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts," by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 287.900).

With the recommendation that the bill pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:
Meeting held on Thursday, June 1, 2006, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Whitmer

The Committee on Education reported

House Bill No. 5977, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2005 PA 144.

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.

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, June 1, 2006, at 11:30 a.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cassis, Van Woerkom and Leland
Excused: Senator Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:
Joint meeting held on Wednesday, May 31, 2006, at 3:00 p.m., Room 519, South Tower, House Office Building
Present: Senator Hardiman (C)
Excused: Senators Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Scheduled Meetings

Administrative Rules - Thursday, June 8, 8:00 a.m., Room 405, Capitol Building (373-6476)

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

Appropriations - Wednesday, June 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

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

State Police and Military Affairs - Thursday, June 8, 8:30 a.m., Room 100, Farnum Building (373-5932)

Gaming and Casino Oversight - Wednesday, June 7, 1:00 p.m., Room 210, Farnum Building (373-2413)

Health Policy - Wednesday, June 7, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

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

Michigan Capitol Committee - Wednesday, June 7, 12:00 noon, Rooms 402 and 403, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:59 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 7, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

