

**No. 107**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Wednesday, December 8, 2004.

10:00 a.m.

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

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

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

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

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

Pastor Rodger DeVore of Owosso Church of the Nazarene of Owosso offered the following invocation:

Gracious God, You're kind, compassionate, understanding, and full of mercy. You have blessed this great state for 125 years. We give You praise for all the goodness that You have showered upon us. Included among those good things we count these men and women who have dedicated their lives to public service. We thank You, Father, for their gifts, their graces. We thank You, Father, for their servant heart that has lead them to this place of service to do that which is good and proper and advantageous for the people of the state of Michigan.

We ask, Father, that today as they begin to conclude their business in these last few days that You would grant to them wisdom that comes only from Your hands; that You would bless them with understanding that exceeds their learning; that You would give them, Father, the gift of discernment as they sort through difficult issues; that You would bless them, Father, with an anointing of Your Spirit; that they will do what is right and just for the people of this state.

We thank You, Father, for their families, and we ask Your blessings upon them that You would minister to them and that You would continue to use these good men and women to accomplish Your purposes to fulfill Your plan to accomplish that which You have orchestrated from the beginning of time; to accomplish in this state for our good and Your glory.

In the name of Your precious Son, our Lord and Savior Jesus Christ, we pray. Amen.

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

### Motions and Communications

Senator Hammerstrom moved that Senators Kuipers and Birkholz be temporarily excused from today's session. The motion prevailed.

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

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

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

**House Bill No. 4654**

**House Bill No. 5259**

**House Bill No. 5262**

**House Bill No. 5140**

**House Bill No. 5294**

**House Bill No. 5295**

**House Bill No. 4406**

**House Bill No. 4787**

**House Bill No. 4788**

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

Senators Brown, Johnson and Garcia entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### Messages from the House

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

**House Bill No. 4206**

**Senate Bill No. 797**

**House Bill No. 5467**

The motion prevailed.

Senator Kuipers entered the Senate Chamber.

**Senate Bill No. 576, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6233, 20145, 20161, 20923, and 20929 (MCL 333.6233, 333.20145, 333.20161, 333.20923, and 333.20929), section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, and sections 20923 and 20929 as amended by 2000 PA 375.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 20145 and 20161 (MCL 333.20145 and 333.20161), section 20145 as amended by 2002 PA 683 and section 20161 as amended by 2004 PA 393.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 859**

**Yeas—34**

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

**Nays—1**

Sanborn

**Excused—3**

Bernero

Birkholz

Olshove

**Not Voting—0**

In The Chair: President

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

Senator Birkholz entered the Senate Chamber.

**Senate Bill No. 854, entitled**

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

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

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor.  
Senator Hammerstrom moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 1193, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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

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

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

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

Senator Bernero entered the Senate Chamber.

**Senate Bill No. 1434, entitled**

A bill to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 5, after "corporation." by inserting "If any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of the property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers."

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 860**

**Yeas—37**

Allen  
Barcia

Clark-Coleman  
Clarke

Hardiman  
Jacobs

Sanborn  
Schauer

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 1485, entitled**

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts,” by amending the title and section 10 (MCL 41.810), the title as amended by 1990 PA 102.

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

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

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

Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 861**

**Yeas—37**

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

Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom

Leland  
McManus  
Patterson  
Prusi

Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

**House Bill No. 5763, entitled**

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

The House of Representatives has amended the Senate amendments as follows:

1. Amend Senate Amendment No. 1, page 5, line 9, after “**Property**” by inserting “**described in section 1 of 1927 PA 212, MCL 557.151, or real property,**”.

2. Amend Senate Amendment No. 3, page 7, line 23, after “**Property**” by inserting “**described in section 1 of 1927 PA 212, MCL 557.151, or real property,**”.

The House of Representatives has concurred in the Senate amendments as amended and agreed to the full title. Pursuant to rule 3.202, the bill was laid over one day.

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 Brown as Chairperson.

**Recess**

Senator Hammerstrom moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 10:46 a.m.

11:12 a.m.

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

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

**House Bill No. 4788, entitled**

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

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

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

**House Bill No. 4406, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to MCL 90106) by adding part 146.

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. 4787, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

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

1. Amend page 8, following line 17, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4788 of the 92nd Legislature is enacted into law."

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. 6008, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 45 of chapter X (MCL 710.45), as amended by 1996 PA 409.

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. 6009, entitled**

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

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. 6010, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 21a, 22, 23a, 23d, 24, and 24a of chapter X (MCL 710.21a, 710.22, 710.23a, 710.23d, 710.24, and 710.24a), section 21a as added by 1982 PA 72, sections 22, 24, and 24a as amended by 1996 PA 409, section 23a as amended by 1994 PA 373, and section 23d as amended by 2004 PA 68.

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. 5205, entitled**

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

Substitute (S-1).

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

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

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

**House Bill No. 6008**

**House Bill No. 6009**

**House Bill No. 6010**

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

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

**House Bill No. 5055**

**House Bill No. 6085**

**House Bill No. 6077**

**House Bill No. 5920**

**House Bill No. 5194**

**House Bill No. 5870**

**House Bill No. 6243**

**House Bill No. 6295**

**House Joint Resolution Z**

**House Bill No. 4969**

**House Bill No. 5116**

**House Bill No. 5372**

**House Bill No. 5373**

**House Bill No. 4096**

**House Bill No. 4586**

**House Bill No. 5417**

**House Bill No. 5551**

**House Bill No. 5724**

**House Bill No. 5725**

**House Bill No. 6036**

**House Bill No. 5726**

**House Bill No. 5668**

**House Bill No. 6245**

**House Bill No. 6102**

**House Bill No. 6103**

**House Bill No. 6104**

**House Bill No. 4817**

**House Bill No. 5833**

**House Bill No. 6284**

**House Bill No. 6046**

**House Bill No. 6164**

**House Bill No. 6166**

**House Bill No. 6206**

**House Bill No. 6033**

**House Bill No. 6020**

**House Bill No. 5875**

**House Bill No. 5913**

**House Bill No. 6242**



**House Bill No. 5637**  
**House Bill No. 6008**  
**House Bill No. 6009**  
**House Bill No. 6010**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5055, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9112 (MCL 324.9112), as amended by 2004 PA 325.

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. 862**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6085, entitled**

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending section 12 (MCL 791.512), as amended by 1989 PA 4.

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. 863****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to improve the training and education of state correctional officers; to provide for the certification of state correctional officers and the development of standards and requirements for state correctional officers; to provide for the creation of a correctional officers’ training council and a central training academy; and to prescribe the powers and duties of certain state agencies.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6077, entitled**

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 11, 32b, 44, and 44a (MCL 125.1411, 125.1432b, 125.1444, and 125.1444a), section 11 as amended by 1996 PA 475 and sections 32b, 44, and 44a as amended by 2000 PA 257.

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. 864****Yeas—37**

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

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments in lieu of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Stamas' statement is as follows:

I just want to take a moment to thank Lisa Hoekstra, who is with me today on the Senate floor. Lisa has been an intern in my office and has graduated from Michigan State—I'm proud to say—this Saturday with a degree in economics. She is going to pursue a career in that field. Her family is from my district in East Tawas. She has been working with me since the beginning of October. I have a Special Tribute to present to her. I would ask my colleagues to join me in thanking her for her hard work.

I would also like to take just a moment to thank a woman who has been working with me for the last three years. She is not leaving to go far; she is going to work with the Senate Majority Leader. She has done a wonderful job working on budgets and working both sides of the aisle. She has done a great job on my staff and has worked well for the state of Michigan. I'm proud to have had her on my staff and proud to have her as a friend. So help me in wishing Michelle Lange good luck in her new role.

The following bill was read a third time:

**House Bill No. 5920, entitled**

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending section 8 (MCL 207.218), as amended by 1996 PA 584.

The question being on the passage of the bill,

Senator Gilbert offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 865****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to prescribe a privilege tax for the use of public roads and highways of this state by motor carriers by imposing a specific tax upon the use of motor fuel within this state; to provide for certain credits against this tax and certain mechanisms for paying, collecting, and enforcing this tax; to provide for the licensing of motor carriers and for exemptions from licensure; to require the keeping and providing for the examination of certain reports; to provide review procedures for the assessment of the tax and revocation of a license; to impose certain duties upon and confer certain powers to certain state departments and agencies; to prescribe certain penalties for the violation of this act; and to make appropriations.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5194, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9307 (MCL 324.9307), as amended by 2002 PA 107.

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. 866****Yeas—37**

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

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5870, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 301, 502, 503, 1604, 1609, 1902, 12115, 40114, 40119, 41711, 42506, 42712, 43504, 43546, 43553, 43556, 43557, 43701, 43702, 43703, 43901, 43902, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, 64108, 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78101, 78105, 78110, 78111, 78115, 78503, 79114, 80104, 80115, 80118, 80119, 81101, 81110, 81117, 81119, 81130, 81147, 82101, 82102a, 82106, 82109, 82110, 82111, 82118, 83101, 83103, 83104, and 83106 (MCL 324.301, 324.502, 324.503, 324.1604, 324.1609, 324.1902, 324.12115, 324.40114, 324.40119, 324.41711, 324.42506, 324.42712, 324.43504, 324.43546, 324.43553, 324.43556, 324.43557, 324.43701, 324.43702, 324.43703, 324.43901, 324.43902, 324.43903, 324.44104, 324.44105, 324.44501, 324.44511, 324.44518, 324.45705, 324.45907, 324.47303, 324.47332, 324.48737, 324.48740, 324.64108, 324.71101, 324.71106, 324.71108, 324.74101, 324.74108, 324.74114, 324.74122, 324.78101, 324.78105, 324.78110, 324.78111, 324.78115, 324.78503, 324.79114, 324.80104, 324.80115, 324.80118, 324.80119, 324.81101, 324.81110, 324.81117, 324.81119, 324.81130, 324.81147, 324.82101, 324.82102a, 324.82106, 324.82109, 324.82110, 324.82111, 324.82118, 324.83101, 324.83103, 324.83104, and 324.83106), section 502 as amended by 2002 PA 148, section 503 as amended by 1998 PA 419, sections 1604 and 1609 as added by 1995 PA 60, section 1902 as amended by 2002 PA 52, sections 40114, 40119, 41711, 42712, 43504, 43557, 43901, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, and 64108 as added by 1995 PA 57, section 42506 as amended by 2002 PA 356, sections 43546, 43553, and 43556 as amended by 1996 PA 585, sections 43701, 43702, and 43703 as amended by 2001 PA 50, section 43902 as amended by 2002 PA 55, sections 71101, 71106, 71108, 74108, 74114, 74122, 78105, 78111, 78503, 79114, 80118, 80119, 81110, 81119, 82102a, and 82111 as added by 1995 PA 58, section 74101 as amended by 2004 PA 392, section 78101 as amended by 1998 PA 210, sections 78110 and 78115 as amended by 2003 PA 19, section 80104 as amended by 1997 PA 102, section 80115 as amended by 2003 PA 292, sections 81101, 81117, and 81130 as amended by 2003 PA 111, section 81147 as amended by 1996 PA 175, sections 82101, 82106, and 82109 as amended by 2003 PA 230, section 82110 as amended by 2001 PA 16, section 82118 as amended by 2001 PA 15, and sections 83101,

83103, 83104, and 83106 as added by 1998 PA 418, and by amending the headings to parts 437, 439, and 711 and by adding part 20; and to repeal acts and parts of acts.

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. 867**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6243, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 63101 (MCL 324.63101), as amended by 1997 PA 149, and by adding section 63110 and part 632.

The question being on the passage of the bill,

Senator Prusi offered the following amendment:

1. Amend page 7, line 16, after “**part**” by inserting “**in order to regulate nonferrous metallic mineral mining**”.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 6295, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 222 (MCL 560.222) and by adding section 222a.

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. 868**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

"An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts,"

The Senate agreed to the full title.

The following joint resolution was read a third time:

**House Joint Resolution Z, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

The question being on the adoption of the joint resolution,

Senator Cropsey moved that further consideration of the joint resolution be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4969, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57k (MCL 400.57k), as added by 1998 PA 361.

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. 869**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5116, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5474b.

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. 870****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5372, entitled**

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

The question being on the passage of the bill,

Senator Hardiman offered the following amendments:

1. Amend page 2, line 24, after “**PA**” by striking out “**338**” and inserting “**328**”.
2. Amend page 3, line 4, after “**PA**” by striking out “**338**” and inserting “**328**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 871****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5373, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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. 872****Yeas—37**

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

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4096, entitled**

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931); and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hardiman offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4586, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2, 7, 7c, and 7j (MCL 722.622, 722.627, 722.627c, and 722.627j), section 2 as amended by 2002 PA 693, section 7 as amended by 2002 PA 661, section 7c as added by 1998 PA 428, and section 7j as added by 2002 PA 716.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 6, following line 21, by inserting:

“Sec. 5. Except for records available under section 7(2)(a), ~~and~~ (b), ~~and~~ (n), the identity of a reporting person is confidential subject to disclosure only with the consent of that person or by judicial process. A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement of this act is immune from civil or criminal liability that might otherwise be incurred by that action. A person making a report or assisting in any other requirement of this act is presumed to have acted in good faith. This immunity from civil or criminal liability extends only to acts done ~~pursuant~~ **according** to this act and does not extend to a negligent act that causes personal injury or death or to the malpractice of a physician that results in personal injury or death.”

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5417, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by repealing section 14i (MCL 400.14i).

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. 873**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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.

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

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending section 14i (MCL 400.14i), as added by 2001 PA 280.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

**House Bill No. 5551, entitled**

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” by amending section 2 (MCL 211.182).

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. 874****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 5724, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 52a.

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. 875****Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5725, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 13 (MCL 207.563).

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. 876****Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 6036, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

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. 877****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

"An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent

for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5726, entitled**

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5 (MCL 211.905), as amended by 2002 PA 244.

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. 878**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5668, entitled**

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2, 8, 9, and 11 (MCL 205.422, 205.428, 205.429, and 205.431), sections 2, 8, and 9 as amended by 1997 PA 187.

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. 879****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6245, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21571.

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. 880****Yeas—37**

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

Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom

Leland  
McManus  
Patterson  
Prusi

Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6102, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20910 (MCL 333.20910), as amended by 2004 PA 200.

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. 881**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6103, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

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. 882**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6104, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20917a.  
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. 883****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4817, entitled**

A bill to amend 1846 RS 65, entitled “Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,” by amending sections 41 and 44 (MCL 565.41 and 565.44).

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. 884****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 5833, entitled**

A bill to amend 1941 PA 174, entitled “An act to authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; and to repeal acts and parts of acts inconsistent with the provisions of this act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 (MCL 555.101, 555.102, 555.103, 555.104, 555.105, 555.106, 555.107, 555.108, 555.109, 555.110, 555.111, 555.112, and 555.113), section 1 as amended by 1984 PA 101 and section 9 as amended by 1986 PA 23, and by adding sections 4a and 5a.

The question being on the passage of the bill,  
Senator Bishop offered the following substitute:  
Substitute (S-2).

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

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

The question being on the passage of the bill,  
The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 885****Yeas—36**

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

**Nays—0****Excused—2**

Emerson

Olshove

**Not Voting—0**

In The Chair: President

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

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

The following bill was read a third time:

**House Bill No. 6284, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," by amending sections 102, 104, 201, 203, 212, 214, 217, 234, 301, 302, 304, 307, 331, 341, 342, 345, 352, 357, 371, 373, 374, 382, 386, 401, 402, 407, and 423 (MCL 490.102, 490.104, 490.201, 490.203, 490.212, 490.214, 490.217, 490.234, 490.301, 490.302, 490.304, 490.307, 490.331, 490.341, 490.342, 490.345, 490.352, 490.357, 490.371, 490.373, 490.374, 490.382, 490.386, 490.401, 490.402, 490.407, and 490.423).

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. 886****Yeas—36**

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

**Nays—0****Excused—2**

Emerson                      Olshove

**Not Voting—0**

In The Chair: Sanborn

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

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

"An act to provide for the organization, operation, regulation, and supervision of credit unions; to prescribe the powers and duties of credit unions; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties, civil sanctions, and remedies; and to repeal acts and parts of acts,"

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6046, entitled**

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 4 (MCL 125.1504), as amended by 1999 PA 245.

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. 887**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Emerson                      Olshove

**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6164, entitled**

A bill to amend 1921 PA 207, entitled “City and village zoning act,” (MCL 125.581 to 125.600) by adding section 4g.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

1. Amend page 2, following line 10, by inserting:

“(6) **A rezoning under this section shall be consistent with the city or village master plan.**”.

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. 888**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Emerson	Olshove
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**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6166, entitled**

A bill to amend 1943 PA 183, entitled “County zoning act,” (MCL 125.201 to 125.240) by adding section 16i.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

1. Amend page 2, following line 10, by inserting:

**“(6) A rezoning under this section shall be consistent with the county master plan.”.**

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. 889**

**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer

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

**Nays—0**

**Excused—2**

Emerson                      Olshove

**Not Voting—0**

In The Chair: Sanborn

The President, Lieutenant Governor Cherry, resumed the Chair.

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

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

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

“An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6206, entitled**

A bill to amend 1943 PA 184, entitled “Township zoning act,” (MCL 125.271 to 125.310) by adding section 16i.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

1. Amend page 2, following line 10, by inserting:

**“(6) A rezoning under this section shall be consistent with the township master plan.”**

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. 890**

**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer

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

**Nays—0**

**Excused—2**

Emerson                      Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6033, entitled**

A bill to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

The question being on the passage of the bill,

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

The motion prevailed.

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

The motion prevailed.

Senator Basham’s statement is as follows:

Certainly, Ronald Reagan was and is a great man. Certainly, every President who ever served this country was a great man, or he wouldn’t have gotten there, and maybe in the future, a great woman. But Ronald Reagan had no ties to Michigan. In fact, the only President from Michigan was Gerald Ford. My argument or discussion would have been different if it was Gerald Ford. I don’t think this is a partisan thing. I mentioned in committee what I just said to this

body here, and one of the committee members said that he accepted his nomination in the state of Michigan. I had to think back for a moment and I remember a number of Presidents who have been to this state, including the current President, a number of times. I remember, as a matter of fact, Presidents Bush and Clinton have been to my hometown. I remember Jimmy Carter when he ran, and he was passing out peanuts in the city of Detroit.

So, certainly, they are all great men, but to have the state have any kind of fiduciary responsibility for a President who is not associated with the state of Michigan, I think, is unwise and unwarranted, and it sends us down a slippery slope. I think that this is uncalled for. If individuals or individual groups want to recognize certainly a President, regardless of who that is, I think they certainly already have the ability to do that. But to have this body act on a public act to have fiduciary responsibility to a President who is residing in California or some other state, I think, is ill-advised, and I would encourage members to not support this bill.

The following bill was read a third time:

**House Bill No. 6020, entitled**

A bill to designate Police Officers Memorial Day in the state of Michigan.

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. 891**

**Yeas—34**

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

**Nays—0**

**Excused—2**

Emerson

Olshove

**Not Voting—2**

McManus

Thomas

In The Chair: President

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

**Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 12:36 p.m.

1:35 p.m.

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

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

The House of Representatives requested the return of  
**Senate Bill No. 1193, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

Senator Hammerstrom moved that the request of the House of Representatives be granted.

The motion prevailed.

Senator Emerson entered the Senate Chamber.

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

Senators Sikkema, Birkholz, Kuipers, Cassis, Jelinek, Hardiman, Brown, Van Woerkom, Bishop, Garcia and Johnson offered the following resolution:

**Senate Resolution No. 308.**

A resolution to revoke the Michigan Senate's previous endorsement of a tribal-state gaming compact, currently on file with the Secretary of the Senate, between the State of Michigan and the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and terminating the Senate's prior recommendation that the Governor execute the compact.

Whereas, In the mid-1990s, the Governor negotiated tribal-state Class III (casino-style) gaming compacts with 11 federally recognized Indian tribes, and the Michigan Legislature approved all tribal-gaming compacts by resolution; and

Whereas, A proposed tribal-state gaming compact has previously been prepared between the State of Michigan and Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) to govern the establishment of yet another Class III gaming facility located on lands that are still the subject of an ongoing federal fee-to-trust process to become tribal lands of the Gun Lake Band. These lands are located at the northeast corner of the intersection of U.S. 131 and 129th Street in Wayland Township, Allegan County, Michigan (a site of approximately 147 acres); and

Whereas, This proposed compact was filed with the Secretary of the Senate on December 3, 2002; and

Whereas, The Michigan Senate adopted Senate Resolution No. 279 on December 12, 2002, to evidence its approval of the tribal-state gaming compact with the Gun Lake Band that was on file with the Secretary of the Senate and to recommend that the Governor execute that tribal-state gaming compact;

Whereas, The Governor who negotiated the compact did not sign it; and

Whereas, This proposed compact remains unsigned and is the only proposed compact that has not been signed; and

Whereas, Michigan's casino gaming industry, which is comprised of private casino gaming and tribal gaming, has experienced unexpected growth and proliferation in recent years and now consists of at least 20 casinos across the state, including at least 17 tribal casinos operated by nine tribes, with two other tribes seeking to obtain land held in trust for their benefit so they can open two additional casinos; and

Whereas, On November 2, 2004, the people of Michigan voted overwhelmingly to amend the Michigan Constitution to limit the expansion of casino gambling in the state and to subject new forms and venues of gambling to the prior positive approval of the voters in the state and in the particular locale of proposed new gaming facilities; and

Whereas, The intention of the voters in approving the ballot proposal to limit the expansion of casino gambling in the state will be frustrated if tribal casino gambling continues to expand in Michigan; and

Whereas, An economic analysis, prepared for the Grand Rapids Area Chamber of Commerce, has forecasted that the impact of the proposed Gun Lake casino would have resulted in a net economic loss to the state of \$26.1 million in 2004 and a total of \$317.6 million between 2004 and 2014, primarily by displacing income to individuals in other industries, including entertainment, travel, food, and lodging; and

Whereas, That study has also predicted that through the first year of operation, the Gun Lake casino would result in a net decrease of over 1,700 Michigan jobs, followed by a net loss of another 1,400 jobs in the ten years following construction; and

Whereas, There continues to be concern about the expansion of casino gaming in Michigan and its impact on the state's economy and quality of life; and

Whereas, The United States Supreme Court ruled in *Seminole v. Florida* that a state could not be sued for failing to negotiate a tribal-state gaming compact; now, therefore, be it

Resolved by the Senate, That we hereby revoke the Michigan Senate's previous approval of the tribal-state gaming compact on file with the Secretary of the Senate between the Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians of Michigan (the Gun Lake Band) and the State of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians (the Gun Lake Band), the members of the Michigan congressional delegation, and the United States Secretary of the Interior.

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 Sikkema moved that the previous question be ordered.

The motion did not prevail.

Senator Sikkema requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

#### Roll Call No. 892

#### Yeas—24

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

#### Nays—13

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

#### Excused—1

Olshove

#### Not Voting—0

In The Chair: President

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

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 308 and moved that the statement she made during the discussion of the resolution be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I am rising to oppose this resolution if only on procedural grounds. I know that it is properly before us, but it is certainly a controversial issue, as my colleagues have pointed out. We have not had the opportunity to study it and prepare for a vote on this today. We were told last week when we tried to discharge a bill that had been in committee for two years that there had not been enough time to study the issue, and now we are being sprung with a vote on a very complex public policy issue without any opportunity to review it. I think on those grounds alone, I will have to vote “no” on this today.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**House Bill No. 5875, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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. 893**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public

school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5913, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 263 (MCL 18.1263).

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. 894**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.



The following bill was read a third time:

**House Bill No. 6242, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

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. 895**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

"An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5637, entitled**

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

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 1, line 9, after "**to,**" by striking out "**appropriations, other**".
2. Amend page 2, line 7, after "**equipment**" by inserting "**and to cover the administrative costs of the department and the department of treasury in implementing and administering this grant program**".

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

The question being on the passage of the bill,

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

**Roll Call No. 896****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6008, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 45 of chapter X (MCL 710.45), as amended by 1996 PA 409.

The question being on the passage of the bill,

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

**Roll Call No. 897**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—1**

Emerson

In The Chair: President

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6009, entitled**

A bill to amend 1935 PA 220, entitled “An act to provide family home care for children committed to the care of the state, to create the Michigan children’s institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,” by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

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. 898****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 6010, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 21a, 22, 23a, 23d, 24, 24a, and 56 of chapter X (MCL 710.21a, 710.22, 710.23a, 710.23d, 710.24, 710.24a, and 710.56), section 21a as added by 1982 PA 72, sections 22, 24, and 24a as amended by 1996 PA 409, section 23a as amended by 1994 PA 373, section 23d as amended by 2004 PA 68, and section 56 as amended by 1994 PA 240.

The question being on the passage of the bill,

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

**Roll Call No. 899****Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

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

**House Bill No. 6243, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 63101 (MCL 324.63101), as amended by 1997 PA 149, and by adding section 63110 and part 632.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2382.)

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

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

Senator Birkholz offered the following amendments:

1. Amend page 28, line 21, after “**who**” by inserting a comma and “**on or after February 1, 2005**”.

2. Amend page 29, line 12, after “**actions**” by striking out the balance of the line through “**defendant**” on line 13 and inserting “**taken by a criminal defendant on or after February 1, 2005**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 900**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Birkholz’s statement is as follows:

We do support, the committee does support, the Prusi amendment, and we urge its adoption.

I want to point out to the members that today is really a very historic day for Michigan because this is legislation that will be the first sulfide mining regulation law in Michigan. We’ve had no sulfide mining legislation in the past. This is unique. It will provide many jobs to the people of the Upper Peninsula. We’ve been told that at least 150 direct jobs, and probably several hundred spin-off jobs, but we also ensure the protection of our natural resources with this legislation.

The workgroup made up of people from the communities, interest groups from across this state, and the people from the business community all came together and worked very hard and very diligently for a year to help craft this legislation that will provide jobs and protect our natural resources. Those people need to be thanked by all of us for the hard work that they put in. There were people who ordinarily come to the Natural Resources and Environmental Affairs Committee who are on very opposite ends of the spectrum. They often come not even agreeing on how to brush their teeth in the morning, but they came together and agreed on this legislation. For that we owe them a great deal of gratitude. We ensure local control; we also hold tight to the department on restrictions with rule-making authority. The people of this Legislature will have done a good deed for the people of this state and especially for the people of the Upper Peninsula in passing this legislation today.

Senator Brater’s statement is as follows:

I want to support the Prusi amendment and all the hard work that the amendment sponsor did on behalf of his district and for his constituents to bring this bill before us today. It was a very long and not uncomplicated process.

I want to add my words of thanks to the good chair of the natural resources committee for the diverse group of people who came together in this workgroup, both from the business and the environmental community and the Department of Environmental Quality. There was a lot of hard, thoughtful work that went into this, as well as the citizens of the Upper Peninsula and the area affected by the proposed mining.

We do want to express our gratefulness for all that hard work and for everyone who participated in this very excellent piece of legislation.

By unanimous consent the Senate returned to consideration of the following joint resolution:

**House Joint Resolution Z, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

(This joint resolution was read a third time earlier today and consideration postponed. See p. 2383.)

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 901****Yeas—32**

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

**Nays—4**

Cropsey	Emerson	Johnson	Switalski
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**Excused—1**

Olshove

**Not Voting—1**

McManus

In The Chair: President

The Senate agreed to the title of the joint resolution.

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

The motion prevailed.

Senator Birkholz's statement is as follows:

I wanted to point out to my colleagues the real strong message that we are sending today with the adoption of HJR Z. This legislation will establish the Michigan Game and Fish Protection Trust Fund. It will be a constitutional amendment offered on the next General Election ballot. It will preclude this state from transferring money from restricted funds into the General Fund.

You know, we have a contract with the people of this state when we have restricted funds. One could say that that contract gets broken when those restricted funds are transferred into the General Fund. So under this resolution that we are offering for a constitutional amendment, we will take the State Park Improvement Fund, the Waterways Fund, the Snowmobile Fund, the Off-Road Vehicle Fund, the Forest Recreation Fund, the Recreation Improvement Fund, and the Game and Fish Protection Fund, all of which are restricted funds, but we will put them into the Constitution. Therefore, in difficult and challenging budget times, the Legislature cannot be tempted to touch those funds and put them into the General Fund. We will be keeping our contract that we have made with the citizens of this state. So I urge your adoption of HJR Z.

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

**House Bill No. 4096, entitled**

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931); and to repeal acts and parts of acts.

(This bill was read a third time earlier today, substitute offered and consideration postponed. See p. 2387.)

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

Senator Hardiman offered the following amendment to the substitute:

1. Amend page 3, line 26, after “**of**” by striking out the balance of the line through “**funding**” on line 27 and inserting “**the department, child placing agencies, or child caring institutions**”.

2. Amend page 5, line 15, after “**violence.**” by striking out the balance of the subsection.

3. Amend page 6, line 2, after “**complainant.**” by inserting “**The individual is entitled to receive the recommendations of the ombudsman and the department’s response to the recommendations of the ombudsman in accordance with state and federal law**”.

4. Amend page 9, line 3, after “**330.1748a.**” by striking out the balance of the subdivision.

5. Amend page 10, line 21, after “complainant” by inserting “**or upon the ombudsman’s own initiative**”.

6. Amend page 12, line 15, after “**to**” by striking out “**child safety and child protection**” and inserting “**protective services, foster care, and adoption**”.

7. Amend page 13, line 19, after “**complainant**” by inserting “**and the legislature upon request**”.

8. Amend page 14, line 19, after “**to**” by inserting “**the department or**”.

The question being on the adoption of the amendments,

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

The motion prevailed.

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

**House Bill No. 4586, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2, 7, 7c, and 7j (MCL 722.622, 722.627, 722.627c, and 722.627j), section 2 as amended by 2002 PA 693, section 7 as amended by 2002 PA 661, section 7c as added by 1998 PA 428, and section 7j as added by 2002 PA 716.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 2387.)

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

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. 902**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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.



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

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 2, 5, 7, 7c, and 7j (MCL 722.622, 722.625, 722.627, 722.627c, and 722.627j), section 2 as amended by 2002 PA 693, section 5 as amended and section 7c as added by 1998 PA 428, section 7 as amended by 2002 PA 661, and section 7j as added by 2002 PA 716.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

**House Bill No. 6033, entitled**

A bill to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

(This bill was read a third time earlier today and consideration postponed. See p. 2403.)

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. 903**

**Yeas—24**

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

**Nays—12**

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

**Excused—1**

Olshove

**Not Voting—1**

Bernero

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

### Protests

Senators Brater and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against passage of House Bill No. 6033.

Senator Brater moved that the statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Brater's statement, in which Senator Scott concurred, is as follows:

I rise to oppose this legislation. I think it is a mistake to single out one President among many Presidents whom we've had in the 20th century. Arguments could be made for the great accomplishments for each of them. We could also agree to differ on how excellent some of the deeds of each of these Presidents were. It tends to be a matter of partisan agreement to disagree. In fact, if we are going to recite the history of the Reagan presidency, there are some things that happened during that presidency that I am not very happy to reflect upon. One of them was the entire dismantling of our affordable housing program in this country.

Earlier today, we voted on bills to establish the mechanism to have a fund in the state of Michigan to provide affordable housing. There was no money put into that fund because the state does not have money, and historically, the federal government, before the 1980s, was the major source of funding for affordable housing. In fact, the astronomical rise in homelessness in this state and this country can be directly attributable to the policies adopted by President Ronald Reagan.

Other aspects of the social safety net were similarly dismantled; labor protections were undermined notably in the FAA air controllers strike. Many other things happened during that presidency that we, as members of this Legislature, can agree to disagree on. So I just want to give a little piece of the other point of view about this presidency.

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

The motion prevailed.

Senator Basham's statement, in which Senator Scott concurred, is as follows:

As I said before, all Presidents are great Presidents of this country. Certainly, if you want to recognize Presidents of this state, Gerald Ford would be at the top of the list. Most of the Presidents, I would say, at least I know a lot of the current Presidents have traveled through Michigan. Just because you travel through Michigan, that doesn't warrant that you should make a monument to that President or the state should have fiduciary responsibility. Again, I know a number of Presidents have been to my hometown, but I think if my hometown wants to put up a monument to those Presidents, I think that they should gather the funds and do that. I don't think the state should have any fiduciary responsibility to build monuments or fund monuments for Presidents of this great country.

So, for those and other reasons, Mr. President, I would encourage members to not support this piece of legislation.

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

**House Bill No. 4096, entitled**

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931); and to repeal acts and parts of acts.

(This bill was announced earlier today, substitute and amendments offered and consideration postponed. See p. 2415.)

The question being on the adoption of the amendments to the substitute offered by Senator Hardiman, Senator Hardiman withdrew the amendments.

Senator Hardiman offered the following amendments to the substitute:

1. Amend page 3, line 26, after "**of**" by striking out the balance of the line through "**funding**" on line 27 and inserting "**the department, child placing agencies, or child caring institutions**".
2. Amend page 5, line 15, after "**violence.**" by striking out the balance of the subsection.
3. Amend page 6, line 2, after "**complainant.**" by inserting "**The individual is entitled to receive the recommendations of the ombudsman and the department's response to the recommendations of the ombudsman in accordance with state and federal law**".
4. Amend page 9, line 3, after "**330.1748a**" by inserting a comma and "**subject to section 9**".
5. Amend page 10, line 21, after "complainant" by inserting "**or upon the ombudsman's own initiative**".
6. Amend page 12, line 15, after "**to**" by striking out "**child safety and child protection**" and inserting "**protective services, foster care, and adoption**".
7. Amend page 13, line 19, after "**complainant**" by inserting "**and the legislature upon request**".
8. Amend page 14, line 19, after "**to**" by inserting "**the department or**".

The amendments to the substitute were adopted.

The substitute, as amended, 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. 904**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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.

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

A bill to amend 1994 PA 204, entitled “An act to create the children’s ombudsman; to prescribe the powers and duties of the children’s ombudsman, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts,” by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 722.922, 722.923, 722.924, 722.925, 722.926, 722.927, 722.928, 722.929, 722.930, and 722.931) and by adding section 5a; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

House Bill No. 4096 would expand the powers of the children’s ombudsman to review records and investigate suspected child abuse situations. Obviously, this is very important and serious legislation. I do want to commend the sponsor, Representative Hager, for sponsoring this bill and also working on it over a very long period of time. This bill was inspired by Ariana Swinson who was starved, beaten, and drowned by her parents in a cheap hotel back in the year 2000. Sometimes this is called “Ariana’s Law.” There was a wonderful article written on it in the *Detroit Free Press*; I believe it was yesterday.

Several of us have worked on this piece of legislation for a long period of time. The substitute, along with these amendments, represent an agreement between the FIA, the children’s ombudsman office, and Representative Hager. Once again, I appreciate all of the efforts of all those involved as well as the Family and Human Services Committee.

There are several technical changes, but the main change regards confidential information and its release. Under these amendments, anyone could bring a concern or complaint to the attention of the children’s ombudsman. The

ombudsman could release some of the information to anyone, that being the recommendations and the response of the FIA, but confidential information would be restricted to certain persons. This has been a difficult compromise, but I think it strikes a proper balance between allowing more powers for the ombudsman while retaining privacy of sensitive records and our compliance with federal restrictions on information.

I support these amendments and the substitute, and I ask the members to do the same.

By unanimous consent the Senate returned to the order of

### Motions and Communications

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bills:

**House Bill No. 6164**

**House Bill No. 6166**

**House Bill No. 6206**

The motion prevailed.

By unanimous consent the Senate returned to the order of

### General Orders

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

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

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

**House Bill No. 5140, entitled**

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

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

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

**House Bill No. 4654, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 3b. Substitute (S-1).

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

1. Amend page 1, line 4, after "**period.**" by striking out the balance of the subsection and inserting "**Under the terms and conditions set forth in subsection (2), the director, or the director's designee, shall grant a payer amnesty, waiving all criminal and civil penalties provided by law for the payer's failure or refusal to pay past due child support. Amnesty granted under this section waives criminal and civil penalties for failure or refusal to pay child support only in regard to the child support arrearage that the payer pays in total to qualify for amnesty.**"

2. Amend page 2, line 8, after "**ends.**" by inserting "**A payer's amnesty is effective on the date the director, or the director's designee, receives the payer's written amnesty request with the payment of not less than 50% of the total child support arrearage amount. If a payer pays less than 100% of the total child support arrearage amount with the amnesty request, the payer's amnesty terminates at the end of the amnesty period unless the balance is paid before the amnesty period ends.**"

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. 5259, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

Substitute (S-1).

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

1. Amend page 3, line 13, by striking out all of subsection (3) and inserting:

**"(3) An office shall not initiate a support enforcement measure to collect a payer's child support arrearage while the payer has amnesty for that arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b."**

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. 5262, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 161a. Substitute (S-2).

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

1. Amend page 1, line 1, after "**161a.**" by striking out the balance of the section and inserting "**Prosecution shall not be initiated against an individual under section 161, 165, 167(1)(a), or 167(2) for failure or refusal to pay child support while the individual has amnesty for that child support arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b.**".

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.

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

Senator Hammerstrom moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

**House Bill No. 5035, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303).

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. 5035**

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

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

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

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

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

**House Bill No. 5035, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303). Substitute (S-1).

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

1. Amend page 2, line 15, after the first "**a**" by inserting "**city or**".

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.

By unanimous consent the Senate returned to the order of  
**Conference Reports**

Senator Hammerstrom moved that joint rule 9 be suspended to permit immediate consideration of the conference report relative to the following bill:

**Senate Bill No. 727**

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

Senator Sanborn submitted the following:

### FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning  
**Senate Bill No. 727, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(a) "Agency" means a legally authorized public or private organization, or governmental unit or official, whether of this state or of another state or country, concerned in the welfare of minor children, including a licensed child placement agency.

(b) "Attorney" means, if appointed to represent a child under this act, an attorney serving as the child's legal advocate in a traditional attorney-client relationship with the child, as governed by the Michigan rules of professional conduct. An attorney defined under this subdivision owes the same duties of undivided loyalty, confidentiality, and zealous representation of the child's expressed wishes as the attorney would to an adult client.

(c) "Child" means minor child and children. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, for purposes of providing support, child includes a child and children who have reached 18 years of age.

**(d) "Grandparent" means a natural or adoptive parent of a child's natural or adoptive parent.**

(e) ~~(d)~~ "Guardian ad litem" means an individual whom the court appoints to assist the court in determining the child's best interests. A guardian ad litem does not need to be an attorney.

(f) ~~(e)~~ "Lawyer-guardian ad litem" means an attorney appointed under section 4. A lawyer-guardian ad litem represents the child, and has the powers and duties, as set forth in section 4.

**(g) "Parent" means the natural or adoptive parent of a child.**

(h) ~~(f)~~ "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(i) ~~(g)~~ "Third person" means an individual other than a parent.

~~Sec. 7b. (1) Except as provided in this subsection, a grandparent of the child may seek an order for grandparenting time in the manner set forth in this section only if a child custody dispute with respect to that child is pending before the court. If a natural parent of an unmarried child is deceased, a parent of the deceased person may commence an action for grandparenting time. Adoption of the child by a stepparent under chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, does not terminate the right of a parent of the deceased person to commence an action for grandparenting time.~~

~~(2) As used in this section, "child custody dispute" includes a proceeding in which any of the following occurs:~~

~~(a) The marriage of the child's parents is declared invalid or is dissolved by the court, or a court enters a decree of legal separation with regard to the marriage.~~

~~(b) Legal custody of the child is given to a party other than the child's parent, or the child is placed outside of and does not reside in the home of a parent, excluding any child who has been placed for adoption with other than a stepparent, or whose adoption by other than a stepparent has been legally finalized.~~

**(1) A child's grandparent may seek a grandparenting time order under 1 or more of the following circumstances:**

**(a) An action for divorce, separate maintenance, or annulment involving the child's parents is pending before the court.**

**(b) The child's parents are divorced, separated under a judgment of separate maintenance, or have had their marriage annulled.**

**(c) The child's parent who is a child of the grandparents is deceased.**

**(d) The child's parents have never been married, they are not residing in the same household, and paternity has been established by the completion of an acknowledgment of parentage under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013, by an order of filiation entered under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, or by a determination by a court of competent jurisdiction that the individual is the father of the child.**

**(e) Except as otherwise provided in subsection (13), legal custody of the child has been given to a person other than the child's parent, or the child is placed outside of and does not reside in the home of a parent.**

(f) In the year preceding the commencement of an action under subsection (3) for grandparenting time, the grandparent provided an established custodial environment for the child as described in section 7, whether or not the grandparent had custody under a court order.

(2) A court shall not permit a parent of a father who has never been married to the child's mother to seek an order for grandparenting time under this section unless the father has completed an acknowledgment of parentage under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013, an order of filiation has been entered under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, or the father has been determined to be the father by a court of competent jurisdiction. The court shall not permit the parent of a putative father to seek an order for grandparenting time unless the putative father has provided substantial and regular support or care in accordance with the putative father's ability to provide the support or care.

(3) A grandparent seeking a grandparenting time order ~~may~~ shall commence an action for grandparenting time, by complaint or ~~complaint and motion for an order to show cause, in the circuit court in the county in which the grandchild resides. If a child custody dispute is pending, the order shall be sought by motion for an order to show cause. The~~ as follows:

(a) If the circuit court has continuing jurisdiction over the child, the child's grandparent shall seek a grandparenting time order by filing a motion with the circuit court in the county where the court has continuing jurisdiction.

(b) If the circuit court does not have continuing jurisdiction over the child, the child's grandparent shall seek a grandparenting time order by filing a complaint in the circuit court for the county where the child resides.

(4) All of the following apply to an action for grandparenting time under subsection (3):

(a) The complaint or motion for grandparenting time filed under subsection (3) shall be accompanied by an affidavit setting forth facts supporting the requested order. The grandparent shall give notice of the filing to each party person who has legal custody of, ~~the grandchild or an order for parenting time with, the child.~~ A party having legal custody may file an opposing affidavit. A hearing shall be held by the court on its own motion or if a party so requests a hearing. At the hearing, parties submitting affidavits shall be allowed an opportunity to be heard. ~~At the conclusion of the hearing, if~~

(b) In order to give deference to the decisions of fit parents, it is presumed in a proceeding under this subsection that a fit parent's decision to deny grandparenting time does not create a substantial risk of harm to the child's mental, physical, or emotional health. To rebut the presumption created in this subdivision, a grandparent filing a complaint or motion under this section must prove by a preponderance of the evidence that the parent's decision to deny grandparenting time creates a substantial risk of harm to the child's mental, physical, or emotional health. If the grandparent does not overcome the presumption, the court shall dismiss the complaint or deny the motion.

(c) If a court of appellate jurisdiction determines in a final and nonappealable judgment that the burden of proof described in subdivision (b) is unconstitutional, a grandparent filing a complaint or motion under this section must prove by clear and convincing evidence that the parent's decision to deny grandparenting time creates a substantial risk of harm to the child's mental, physical, or emotional health to rebut the presumption created in subdivision (b).

(5) If 2 fit parents sign an affidavit stating that they both oppose an order for grandparenting time, the court shall dismiss a complaint or motion seeking an order for grandparenting time filed under subsection (3). This subsection does not apply if 1 of the fit parents is a stepparent who adopted a child under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, and the grandparent seeking the order is the natural or adoptive parent of a parent of the child who is deceased or whose parental rights have been terminated.

(6) If the court finds that a grandparent has met the standard for rebutting the presumption described in subsection (4), the court shall consider whether it is in the best interests of the child to enter an order for grandparenting time. If the court finds by a preponderance of the evidence that it is in the best interests of the child to enter a grandparenting time order, the court shall enter an order providing for reasonable grandparenting time of the child by the grandparent by general or specific terms and conditions. ~~If a hearing is not held, the court shall enter a grandparenting time order only upon a finding that grandparenting time is in the best interests of the child. A grandparenting time order shall not be entered for the parents of a putative father unless the father has acknowledged paternity in writing, has been adjudicated to be the father by a court of competent jurisdiction, or has contributed regularly to the support of the child or children. The court shall make a record of the reasons for a denial of a requested grandparenting time order. In determining the best interests of the child under this subsection, the court shall consider all of the following:~~

(a) The love, affection, and other emotional ties existing between the grandparent and the child.

(b) The length and quality of the prior relationship between the child and the grandparent, the role performed by the grandparent, and the existing emotional ties of the child to the grandparent.

(c) The grandparent's moral fitness.

(d) The grandparent's mental and physical health.

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference.

- (f) The effect on the child of hostility between the grandparent and the parent of the child.
- (g) The willingness of the grandparent, except in the case of abuse or neglect, to encourage a close relationship between the child and the parent or parents of the child.
- (h) Any history of physical, emotional, or sexual abuse or neglect of any child by the grandparent.
- (i) Whether the parent's decision to deny, or lack of an offer of, grandparenting time is related to the child's well-being or is for some other unrelated reason.
- (j) Any other factor relevant to the physical and psychological well-being of the child.
- (7) If the court has determined that a grandparent has met the standard for rebutting the presumption described in subsection (4), the court may refer that grandparent's complaint or motion for grandparenting time filed under subsection (3) to domestic relations mediation as provided by supreme court rule. If the complaint or motion is referred to the friend of the court mediation service and no settlement is reached through friend of the court mediation within a reasonable time after the date of referral, the complaint or motion shall be heard by the court as provided in this section.
- (8) ~~(4)~~ A grandparent may not file more than once every 2 years, absent a showing of good cause, a complaint or motion **under subsection (3)** seeking a grandparenting time order. If the court finds there is good cause to allow a grandparent to file more than 1 complaint or motion under this section in a 2-year period, the court shall allow the filing and shall consider the complaint or motion. ~~The~~ **Upon motion of a person,** the court may order reasonable attorney fees to the prevailing party.
- (9) ~~(5)~~ The court shall not enter an order ~~restricting the movement of the grandchild if the restriction~~ **prohibiting an individual who has legal custody of a child from changing the domicile of the child if the prohibition is solely primarily** for the purpose of allowing ~~the~~ a grandparent to exercise the rights conferred in a grandparenting time order **entered under this section.**
- (10) ~~(6)~~ A grandparenting time order entered ~~in accordance with~~ **under** this section ~~shall not be considered to have created~~ **does not create** parental rights in the ~~person or persons~~ **individual or individuals** to whom grandparenting time rights are granted. The entry of a grandparenting time order ~~shall~~ **does** not prevent a court of competent jurisdiction from acting upon the custody of the child, the parental rights of the child, or the adoption of the child.
- (11) ~~(7)~~ ~~The court may enter an order modifying or terminating~~ **A court shall not modify or terminate** a grandparenting time order ~~whenever such a modification or termination is in the best interests of the child~~ **entered under this section unless it finds by a preponderance of the evidence, on the basis of facts that have arisen since entry of the grandparenting time order or were unknown to the court at the time it entered that order, that a change has occurred in the circumstances of the child or his or her custodian and that a modification or termination of the existing order is necessary to avoid creating a substantial risk of harm to the mental, physical, or emotional health of the child. A court modifying or terminating a grandparenting time order under this subsection shall include specific findings of fact in its order in support of its decision.**
- (12) The court shall make a record of its analysis and findings under subsections (4), (6), (8), and (11), including the reasons for granting or denying a requested grandparenting time order.
- (13) Except as otherwise provided in this subsection, adoption of a child or placement of a child for adoption under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, terminates the right of a grandparent to commence an action for grandparenting time with that child. Adoption of a child by a stepparent under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, does not terminate the right of a grandparent to commence an action for grandparenting time with that child.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

Alan Sanborn  
Bruce Patterson  
Irma Clark-Coleman  
Conferees for the Senate

Jim Howell  
Edward Gaffney  
Alexander Lipsey  
Conferees for the House

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:



**Roll Call No. 905****Yeas—37**

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

**Nays—0****Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5035**

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

The following bill was read a third time:

**House Bill No. 5035, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303).

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. 906****Yeas—37**

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

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom

McManus  
Patterson  
Prusi

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Olshove

**Not Voting—0**

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

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

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

“An act to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**General Orders**

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

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

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

**House Bill No. 4231, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 252a, 252b, 252d, 252e, 252f, and 252g (MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76, and by adding section 252h; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

**House Bill No. 5364, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 240, 252a, 252b, 252c, 252d, 252e, 252f, 252g, and 907 (MCL 257.240, 257.252a, 257.252b, 257.252c, 257.252d, 257.252e, 257.252f, 257.252g, and 257.907), section 240 as amended by 1999 PA 267, section 252a as amended by 2002 PA 649, sections 252b and 252c as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, section 252d as amended by 2000 PA 76, and section 907 as amended by 2004 PA 62, and by adding sections 252h, 252i, 252j, 252k, and 252l.

Substitute (S-2).

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

1. Amend page 8, line 26, after “**252g**” by striking out the balance of the line through “**vehicle**” on line 1 of page 9.

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 Bill.

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

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

**Senate Concurrent Resolution No. 40**

**Senate Resolution No. 305**

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 307**

**Senate Resolution No. 309**

The resolution consent calendar was adopted.

Senator Schauer offered the following resolution:

**Senate Resolution No. 307.**

A resolution to urge the United States Senate to confirm Carlos Gutierrez as the United States Secretary of Commerce.

Whereas, President Bush has nominated Mr. Carlos Gutierrez, the CEO of Kellogg Company, as the new Secretary of Commerce. With the work Mr. Gutierrez has undertaken throughout his long and distinguished career with one of Michigan's best known international businesses and the record he has compiled in community life in Battle Creek, the people of Michigan harbor strong feelings of respect and admiration for this talented and visionary gentleman; and

Whereas, Carlos Gutierrez clearly embodies the American Dream in the path his life has taken. He came to the United States as a young boy with his brother and parents, refugees from Cuba beginning their lives anew. He proudly became an American citizen, and he has never lost sight of the significance of the opportunities and the responsibilities before all of us in this country. His rise from selling cereal out of a van in Mexico City to becoming the head of Kellogg is an amazing tale of hard work and personal integrity; and

Whereas, Over the course of his career, Carlos Gutierrez has gained invaluable understanding of the crucial issues of manufacturing and trade in the international marketplace. He has excelled in a wide range of posts, representing Kellogg in Latin America, Canada, and the Asia-Pacific region. Since becoming the CEO in 1999, Mr. Gutierrez has had to make difficult decisions with strong impacts on the economy of Battle Creek and Michigan. His leadership in the face of challenging circumstances has brought significant strength to the company over the past five years; and

Whereas, As our country deals with the new realities of the global economy, Mr. Gutierrez's experiences and insights are just what our nation's businesses and working families need. Our nation will be well served by his diligence, character, and talent; now, therefore, be it

Resolved by the Senate, That we offer our strong endorsement of Carlos Gutierrez and urge the United States Senate to confirm him as the United States Secretary of Commerce; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate and Senators Levin and Stabenow.

Senators Barcia, Birkholz, Brown, Cassis, Cherry, Clarke, Gilbert, Goschka, Jacobs, Leland, Scott, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Hardiman, Sikkema, Kuipers, Birkholz, George and Van Woerkom offered the following resolution:

**Senate Resolution No. 309.**

A resolution to memorialize and pay tribute to Mr. Jay Van Andel.

Whereas, It is with our sincerest admiration that we remember and pay tribute to Mr. Jay Van Andel, whose leadership and vision will leave a lasting mark on his hometown of Grand Rapids, Michigan. We join with the community he touched in honoring this loyal and devoted individual for his dedication and generosity to his family, friends, and all of West Michigan. As co-founder of a small soap company in 1959, Mr. Van Andel grew his vision into a \$6 billion global consumer products giant, helping millions of people around the world realize their own dream of independent business ownership; and

Whereas, Mr. Van Andel's achievements directly reflect his deep faith and hard-working West Michigan upbringing. He chaired the U.S. Chamber of Commerce and was a trustee of the Heritage Foundation, Hudson Institute, Hillsdale College, and the Advisory Council for American Private Education. Additionally, Mr. Van Andel's many honors include selection to the Direct Selling Association Hall of Fame, Junior Achievement National Business Hall of Fame, and the Adam Smith Free Enterprise Award from the American Legislative Exchange Council. He also received the United Nations Environment Programme Achievement Award on behalf of Amway in 1989; and

Whereas, Mr. Van Andel's overwhelming generosity and dedication to his hometown has forever changed the face of downtown Grand Rapids. In 1978, Amway bought the 65-year-old Pantlind Hotel, restored it, added a 29-story tower, and reopened it in 1981 as the Amway Grand Plaza Hotel; in 1994, the Van Andel Museum Center opened as the principal exhibition and public programs facility of the Public Museum of Grand Rapids; in 1996, the Van Andel Arena was opened, an entertainment venue that hosts a minor league hockey team as well as concerts and other events; and in 2000, Jay and his late wife Betty founded the Van Andel Institute, an independent research organization dedicated to enhancing and expanding the frontiers of medical science. It is this generosity and vision that will be forever missed, but never forgotten; now, therefore, be it

Resolved by the Senate, That we hereby honor the life and memory of the late Jay Van Andel, who passed away on Tuesday, December 7, 2004. Even though he is no longer with us, his involvement and contributions to our community demonstrates to all of us what can be accomplished with commitment and dedication. He will continue to inspire all of us for many years to come; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Mr. Jay Van Andel as a token of our condolences.

#### **Senate Resolution No. 241.**

A resolution to memorialize the President and the Congress of the United States to take steps to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was not adopted.

Senator Brown offered the following substitute:

A resolution to memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

Whereas, For many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and "dumping" them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, A very significant and harmful development of late is a steep rise in the cost of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, Dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation's manufacturing capacity requires swift action to bring stability to this market; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The substitute was adopted.

The resolution, as substituted, was adopted.

#### **Senate Resolution No. 304.**

A resolution to urge the Department of Community Health to extend its moratorium on transferring forensic mental health patients to local facilities and on issuing ground passes until public safety measures are fully established and to work with the state's courts to address this issue.

The question being on the adoption of the resolution,

Senators Barcia and Bernero offered the following substitute:

A resolution to urge the Department of Community Health to review security measures at all its regional hospitals and review placement procedures of forensic clients statewide and report its findings to the Senate Judiciary Committee no later than March 31, 2005, and to urge the Department of Community Health to extend until March 31, 2005, the moratorium on transferring forensic mental health clients to local facilities.

Whereas, With the rise in forensic psychiatric cases and reductions in mental health treatment resources, more forensic patients suffering various psychiatric disorders are being placed in local mental health facilities. In most instances, the local facilities do not have same security protections in place as traditional forensic centers; and

Whereas, A serious problem has developed as a result of the increased use of local mental health care facilities. With not enough state forensic psychiatric hospital capacity to accommodate the number of people found not guilty by reason of insanity or who are found unfit to stand trial, the courts and the Department of Community Health have placed increasing numbers of offenders in locations that are not secure. It is not uncommon for assignment to a local facility to be an item discussed in plea bargaining. As a result, the public and patients are put at greater risk. With less security at local facilities, patients may walk away and present a danger to their own safety or the public's. On several occasions across the state, patients sent to local mental health facilities by the courts have eloped, one with tragic results; and

Whereas, In response to this problem, the Department of Community Health has established a moratorium on transferring forensic mental health patients to local facilities and issuing ground passes in order to find new ways to increase security. The department has identified changes that can be made to increase safety and is committed to identifying ways to eliminate potentially dangerous situations. It is clear, however, that the moratorium needs to be extended if a truly effective and lasting strategy is to be developed and implemented; and

Whereas, It is imperative to remember that the vast majority of people with mental illness are not violent; and

Whereas, Article 8, Section 8 of the *Michigan Constitution* provides that "Institutions, programs, and services for the care, treatment, education, or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously disabled shall always be fostered and supported"; and

Whereas, Article 4, Section 51 of the *Michigan Constitution* provides that "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern." As new proposals are discussed, we cannot lose sight of the obligation we have to protect our citizens; and

Whereas, As security issues are examined, it is also important to ensure that no actions are taken or suggested that would conflict with existing state or federal laws; now, therefore, be it

Resolved by the Senate, That we urge the Department of Community Health to review security measures at all its regional hospitals and review placement procedures of forensic clients statewide and report its findings to the Senate Judiciary Committee no later than March 31, 2005; and be it further

Resolved, That we urge the Department of Community Health to extend until March 31, 2005, the moratorium on transferring forensic mental health clients to local facilities; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Community Health.

The substitute was adopted.

The resolution, as substituted, was adopted.

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

The motion prevailed.

Senator Barcia's statement is as follows:

I want to thank and express the gratitude of not only myself, but the many constituents whom I represent in the Tuscola County area in the Thumb of Michigan for their appreciation for the helpful assistance and expeditious consideration of this resolution. I would like to thank the chairman and each member of the Senate Judiciary Committee for their help in presenting this resolution to the floor for us all to consider today.

As you know, and I explained when I introduced the original resolution, we requested an extension of the moratorium of the transfer of forensic patients from forensic facilities to the Caro center on the moratorium of the issuance of grounds passes to forensic patients until all security updates have been completed.

Senate Resolution No. 304 was addressed by the Senate Judiciary Committee where testimony indicated that the problem was not unique to the Caro center, therefore, Senate Resolution No. 304, as amended, now requests that the Department of Community Health review its placement procedures of the not guilty by reason of insanity, as well as its security programs in all local mental health facilities.

I want to offer a special thank you to Senator Virg Bernero who helped draft this substitute resolution along with the chairman. I ask that you approve the substitute, adopt it. I want to thank, again, Senator Bernero and each member of the committee and the chairman for their assistance in helping us to address a very serious problem of public safety at the Caro health center in Tuscola County.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

#### **Senate Bill No. 823, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 807, 808, 810a, and 821 (MCL 600.504, 600.807, 600.808, 600.810a, and 600.821), sections 807, 808, and 821 as amended by 2003 PA 40 and sections 504 and 810a as amended by 2002 PA 715.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 2, by striking out all of subdivisions (b) and (c) and relettering the remaining subdivisions.
2. Amend page 4, line 11, after "Lake," by striking out "**Barry, Berrien,**".
3. Amend page 4, line 12, by striking out "**Isabella,**" and inserting "**and**".
4. Amend page 4, line 12, after "**Ontonagon**" by striking out the comma and "**Otsego, and Van Buren**".
5. Amend page 5, line 5, after "of" by inserting "**the**".

The House of Representatives has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title. Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom moved that the rule be suspended.

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

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

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

**Roll Call No. 907**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Olshove

**Not Voting—2**

George

Toy

In The Chair: President

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Scott, Hammerstrom, Hardiman, Birkholz, Jacobs, Stamas and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Today, I introduced a bill amending the insurance code that would require the commissioner of the Office of Financial and Insurance Services to approve rates before they could be used by an insurer. I know that we are in the waning days of this legislative session and that it will be too late to tackle this important piece of legislation before year's end. However, this is yet another viable proposal that I bring before this esteemed body as a possible solution

for helping to bring equity and fairness to our state's insurance industry and in the premiums being paid by the citizens of Michigan.

In keeping with my promise to continue my work on this very critical issue until some resolution is reached, you can be sure that I will be re-introducing this piece of legislation, along with several other bills that I have introduced to date, during our next legislative session that begins in January.

I respectfully ask each and every one of you to think about this issue over our holiday break and to come back in January with a renewed spirit of commitment in working together to develop meaningful public policy that will help bring some relief to the citizens of Michigan as they struggle with increasingly high auto and homeowners insurance.

Senator Hammerstrom's statement is as follows:

Colleagues, today I rise today to honor a fallen soldier from my district. Army Private First Class Dennis Miller, Jr., of LaSalle, Michigan, was a 2001 graduate of Mason High School in Erie, Michigan. Private First Class Miller felt a sense of duty while attending Monroe County Community College, and he enlisted in the Army. He also felt that he had it in his blood, as both of his grandfathers were Army veterans.

Private First Class Miller graduated from basic training and completed tank training in September of 2003 at Fort Knox, Kentucky. He was assigned to the 2nd Battalion, 72nd Armor Regiment, 2nd Infantry Division and was later stationed in Korea. He reported to Iraq on September 8, 2004.

He was killed in action on November 10, and ironically, word reached his family the next day, Veterans' Day. Private First Class Miller and his fellow soldiers were traveling outside Ramadi, a city within Iraq's Sunni Triangle, where insurgents have been most active. Their convoy was ambushed, and Private First Class Miller's 2nd Infantry Division M1A-2 Abrams tank was struck with a rocket-propelled grenade. He was 21 years old.

His hobbies included hunting with his father and uncles, and he was an avid golfer and fisherman. He also had a deep interest in computers and multimedia presentations. Together with Ryan, his best friend since fifth grade, and another colleague from high school, Steve Dennis, he was often seen working on computers and producing the music and multimedia effects for the high school baseball games. He enjoyed music and was never shy to admit that his favorite artist was Michael Jackson. In fact, according to his friends and family, he could be seen doing the moonwalk whenever he had the chance.

Private First Class Miller is survived by his wife of 14 months, Kimberly; parents, Kathy and Dennis Miller; sister Ann and a three-month-old niece he never had the chance to meet. He also will be missed by many friends, family members, and loved ones.

A moment of silence was observed in memory of Private First Class Dennis Miller, Jr.

Senator Hardiman's statement is as follows:

Yesterday, the Greater Grand Rapids community and all of Michigan lost a friend with the passing of Mr. Jay Van Anandel. I rise to remember and pay tribute to Jay Van Anandel. His leadership and vision will leave a lasting mark on not only Grand Rapids and Michigan, but on the world. He was a devoted father, a loving husband, and a friend of many here and around the world. Not only was he a great entrepreneur, his philanthropic endeavors matched his entrepreneurial skills. In 1959, he and his friend, Mr. Rich DeVos, founded a small soap company, which has grown to be a \$6 billion-plus global consumer products giant, helping millions of people around the world realize their dream of independent business ownership.

Mr. Van Anandel's achievements directly reflect his deep faith and his great work ethic. He served on numerous boards and committees and even founded many wonderful community organizations.

I believe that Jay Van Anandel will best be remembered for his giving spirit. Let me give you a few examples. In 1978, the company he co-founded bought the 65-year-old Pantlind Hotel, restored it, added a 29-story tower, and reopened it in 1981 as the Amway Grand Plaza Hotel. In 1994, the Van Anandel Museum was opened. In 1996, the Van Anandel Arena was opened, and more recently, in 2000, Jay and his late wife Betty founded the Van Anandel Institute, which is an anchor for the life sciences corridor here in Michigan. It is this generosity and vision that will be missed forever, but never forgotten.

My heartfelt sympathy and prayers go out to the Van Anandel family and to the whole Greater Grand Rapids community. We will miss him.

Senator Birkholz's statement is as follows:

Today in this body, this Senate did a good thing. We passed a resolution by a vote of 24-11 to revoke the compact that was passed by resolution in the Senate that preceded us and in the House that preceded us across the rotunda two years ago.

In the meantime, several things have happened in this state, one of which was an economic impact study done by the business people in the Grand Rapids area for all of West Michigan. I want to share with you a couple of facts from that impact study that I think not only reinforce, but give you pause to think about what happens when casinos come to states.

“In the areas outside of the immediate development area, there will be a net economic loss due to the casino. This results from the shifting of local consumer expenditures to the casino away from businesses in areas such as Kalamazoo, Ottawa and Kent Counties and the Lakeshore.” The overall net economic effect to the entire state of Michigan will be a loss of \$26.1 million in this year, assuming the casino had been up and running this year, and another \$317.6 million going through the year to 2014. The loss represents a net transfer in economic activity outside of the state due to out-of-state payments to investors and management companies, purchases, and other expenditures that greatly exceed the expected revenue from out-of-state visitors to a Wayland casino.

These are just a few of the powerful numbers that are in this study, and with the economic challenges that this state is facing, those are numbers that we need to look closely at. Just a month ago, the voters of this state said overwhelmingly, “No. We do not want expanded casinos in this state.” Many of you know and you’ve heard me talk for several years. I’ve led on this issue. The people spoke when they spoke with Proposal 1 last month, and today the Senate acted. We have said, “No more casinos in Michigan”—a strong statement to the people of this state and to the people of the world.

I thank you who voted for it today and ask those of you who did not to think about the issues involved for the economics of this state and to read a copy of the economic study that was done for just West Michigan and the rest of this state in looking at casinos.

Senator Jacobs’ statement is as follows:

During this holiday season, I think it’s a fine time to celebrate our diversity as a state. Our state is comprised of many types of people who celebrate many different religions. Tonight is the second night of Chanukah. I thought it would be a good idea if I told the story of Chanukah to my colleagues—so if you’ll indulge me for a couple of minutes.

Every year between the end of November and the end of December, Jewish people around the world celebrate the holiday of Chanukah, the Festival of Lights. Chanukah begins on the 25th day of the Hebrew month of Kislev, but the starting date on the Western calendar varies from year to year. The holiday celebrates the events which took place over 2,300 years ago in the land of Judea, which is now Israel.

Long ago in the land of Judea, there was a Syrian king, Antiochus. The king ordered the Jewish people to reject their God, their religion, their customs, and their beliefs and to worship the Greek gods. There were some who did as they were told, but many refused. One who refused was Judah Maccabee.

Judah and his four brothers formed an army and chose as their name the word “Maccabee,” which means hammer. After three years of fighting, the Maccabees were finally successful in driving the Syrians out of Israel and reclaimed the temple in Jerusalem. The Maccabees wanted to clean the building and to remove the hated Greek symbols and statues. On the 25th day of the month of Kislev, the job was finished and the temple was rededicated.

When Judah and his followers finished cleaning the temple, they wanted to light the eternal light, known as the N’er Tamid, which is present in every Jewish house of worship. Once lit, the oil lamp should never be extinguished. Only a tiny jug of oil was found with only enough oil for a single day. The oil lamp was filled and lit. Then a miracle occurred as the tiny amount of oil stayed lit not for one day, but for eight days.

Jews celebrate Chanukah to mark the victory over the Syrians and the rededication of the Jerusalem temple. The Festival of the Lights, Chanukah, lasts for eight days to commemorate the miracle of the oil. The word “Chanukah” means “rededication.”

In America, families celebrate Chanukah at home. They give and receive gifts, decorate the house, entertain friends and family, eat special foods, and light the holiday menorah. I have an example on my desk, along with the dreidel, which is a little top that is used to spin, a game that kids enjoy playing. I wish everyone a happy Chanukah.

Senator Stamas’ statement is as follows:

Senate colleagues, I rise today to recognize and remember a constituent of the 36th District who lost his life serving our country in the United States Army. Staff Sergeant Lucas Mason of Beaverton, Michigan, died November 11th at Fort Bragg, North Carolina. Staff Sergeant Mason tragically died of an accidental firearms incident.

Staff Sergeant Mason joined the Army in 2000 after one year of study at the University of Detroit-Mercy. Sergeant Mason followed in the long family tradition of service to his country by his uncles Paul and Tim and cousin Josh, all of whom are currently in the military.

Sergeant Mason completed basic training at Fort Benning and returned there three years later for airborne training. He served our country in Afghanistan and Iraq. At the time of his death, he was the assistant team sergeant for Special Operations Deployable Node.

Mason received several awards, including the Army Commendation Medal with one oak leaf cluster, the Army Achievement Medal with four oak leaf clusters, and the Parachutist Badge. He was involved in many outside activities, including 4-H, Boy Scouts, ski club, and tae kwon do.

Surviving are his wife Jennifer, his daughters Samantha and McKenzie, and his son Nicholas, all of Fayetteville, North Carolina; his parents, William and Deborah Mason, and sister Sarah Mason, all of Beaverton; his grandparents, Martin and Mary Mason and Marlene William, all of Beaverton; and many aunts and uncles.



Let us use this tragic loss as an opportunity to remember and honor those serving our country and to keep in mind the dangers these heroic men and women face every day, both overseas and here in the United States. I would also like to take this opportunity to convey to the entire Mason family this chamber's deepest sympathy for the loss they have incurred and our gratitude for their family's service to our country.

A moment of silence was observed in memory of Staff Sergeant Lucas Mason.

Senator Sikkema's statement is as follows:

Earlier under Statements, Senator Hardiman made some very nice comments about Jay Van Andel who passed away yesterday in Grand Rapids. I don't want to repeat them, but I wanted to add my own thoughts and reflections about this remarkable man. When you kind of look at a litany of his accomplishments and contributions and add to that a little bit about him as a person, the only thing I can think of is the phrase that when he was made the mold was broke. This was truly a unique individual and very few like him will ever pass this way again.

I think we kind of developed, even people in West Michigan, a bit of a stereotype of him because he was a co-founder of Amway. He clearly was a political conservative, a big supporter of Republican causes, passionate advocate of the free enterprise system, and anybody or any other system that did not agree with that. We kind of developed a stereotype of him, and if you look at some other characteristics about him, it broadens our view of this man. Let me just give you a couple.

His first business venture with Rich DeVos had nothing to do with selling soap door-to-door. I think it was right after World War II, with their first business venture together, they started an aviation training school. They did that business for a while and they got sick of it and sold it. They went out and bought a sailboat and sailed the Caribbean for a whole year and then sold the sailboat. That doesn't sound like a very straight-laced, buttoned-up conservative business man to me.

The other thing that was interesting about him, and I didn't know this until recently, he was a member of the Mensa Society. For those of you who don't know, the Mensa Society is a society of people whose IQ is in the top 2 percent of the world population. It is a society dedicated to intellectual curiosity. He was a pretty active member of that society because he found that one of the most enjoyable things of life was engaging in conversations and intellectual pursuits with people who were totally different than him. In other words, they were not straight-laced, business Republican conservative types.

I think his lasting legacy is not just to West Michigan, but Michigan and America and the world. You know, this is the man. You know, you look at his philanthropic gifts to West Michigan. Senator Hardiman just read off a litany of some of those that are going to live on forever, but probably his greatest legacy to the world is a by-product of his intellectual curiosity, and that's the Van Andel Institute. He and his late wife basically donated the bulk of their wealth to the founding of the Van Andel Institute, which is designed, as we all know now, to do research to solve some of the real thorny health problems of the modern era, whether it is cancer, genetics, or whatever. I really think that will be his lasting legacy to this state, and it was really a by-product of this man's incredible, just intellectual, curiosity about the problems of the world and solving the problems of the world.

It is a time for sadness for family and friends and people who knew him and that is appropriate, but it is also a time to celebrate the remarkable achievements of this man and the lasting gifts that he's given to all of us.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Hammerstrom moved that rule 3.102 be suspended to allow the Senate to recite the *Pledge of Allegiance to the Flag of Michigan* on December 9, along with the *Pledge of Allegiance*.

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

### **Committee Reports**

The Committee on Families and Human Services reported

#### **House Bill No. 4654, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 3b. 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.

Bill Hardiman  
Chairperson

## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 5259, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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.

Bill Hardiman  
Chairperson

## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 5262, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 161a.

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.

Bill Hardiman  
Chairperson

## To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, December 7, 2004, at 8:30 a.m., Room 405, Capitol Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn and Jacobs

Absent: Senator Clark-Coleman

The Committee on Commerce and Labor reported

**House Bill No. 5140, entitled**

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

With the recommendation that the bill pass.

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers and McManus

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, December 7, 2004, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Olshove

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4406, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to MCL 90106) by adding part 146.

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.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4787, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4788, entitled**

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, December 7, 2004, at 3:00 p.m., Room 110, Farnum Building

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

Excused: Senator Patterson

The Committee on Commerce and Labor reported

**House Bill No. 5294, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

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

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Schauer

Nays: None

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

The Committee on Commerce and Labor reported

**House Bill No. 5295, entitled**

A bill to amend 1955 PA 224, entitled "An act to regulate sales at public auction; to provide for the issuing of licenses; and to prescribe penalties for violations of the provisions of this act," by amending sections 1, 2, 3, 4, 5, 6, 7, 9, and 10 (MCL 446.51, 446.52, 446.53, 446.54, 446.55, 446.56, 446.57, 446.59, and 446.60) and by adding sections 1a and 5a.

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

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

Jason E. Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Schauer

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Grandparent Visitation (SB 727) submitted the following:  
Meeting held on Wednesday, December 8, 2004, at 9:30 a.m., Room 405, Capitol Building  
Present: Senators Sanborn (C), Patterson and Clark-Coleman

**Scheduled Meetings****Appropriations -****Subcommittee -**

**Capital Outlay** - Thursday, December 9, 11:00 a.m. or later after House committees are given leave to meet,  
House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce and Labor** - Thursday, December 9, 9:00 a.m., Room 210, Farnum Building (373-2413)

**Government Operations** - Thursday, December 9, 9:00 a.m., Elijah Myers Room, 2nd Floor, Capitol Building (373-0797)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 4:18 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, December 9, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate