

**No. 56**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Tuesday, June 14, 2005.

10:00 a.m.

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

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

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

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

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

Senator Nancy Cassis of the 15th District offered the following invocation:

The cruel bite of winter's cold has passed. Today we bask in the warmth and sun of a June day. Oh, if only all our days could be June days, dear Father—memories of summer vacations, summer camp, visiting with friends and relatives; the sunshine freedoms we so cherished.

But today we have work to do on behalf of all our Michigan citizens. O God, grant us the inspiration of a June day to guide our deliberations and decisions. Grant to each one of us the peacefulness to pass the peace on in all we do on behalf of our state, our nation, and our world.

As J.M. Montgomery opined, "I wonder what it would be to live in a world where it was always June."

Thank You, dear God, for all our blessings. Amen.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

11:01 a.m.

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

During the recess, Senators Brown, Stamas, Thomas, Gilbert, McManus, Van Woerkom, Jelinek, Patterson, Goschka, Hardiman, George, Toy, Kuipers, Cropsey, Allen, Sikkema, Birkholz, Bishop, Johnson and Garcia entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

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

**Senate Bill No. 270**

**Senate Bill No. 264**

**Senate Bill No. 275**

**Senate Bill No. 266**

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

The following communications were received:

Office of the Auditor General

June 9, 2005

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

June 9, 2005

Enclosed is a copy of the following audit report:  
Performance audit of Homeland Security and Emergency Management, Department of Military and Veterans Affairs and Michigan Department of State Police.

June 10, 2005

Enclosed is a copy of the following audit report:  
Financial audit of the Michigan Education Trust, Plans B & C for the period October 1, 2002 through September 30, 2004. MET is a component unit of the State of Michigan.

June 10, 2005

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Education Trust Plan D for the period October 1, 2002 through September 30, 2004. MET is a component unit of the State of Michigan.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 9:  
**House Bill Nos. 4108 4555 4821 4823 4825 4826**

The Secretary announced that the following House bill was received in the Senate and filed on Friday, June 10:  
**House Bill No. 4831**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 10, for her approval the following bill:

**Enrolled Senate Bill No. 226 at 11:35 a.m.**

The Secretary announced that the following official bills were printed on Thursday, June 9, and are available at the legislative website:

**Senate Bill Nos. 572 573 574 575 576 577 578**  
**House Bill Nos. 4894 4895 4896 4897 4898 4899 4900 4901 4902 4903**

The Secretary announced that the following official bills were printed on Friday, June 10, and are available at the legislative website:

**Senate Bill No. 579**  
**House Bill Nos. 4904 4905 4906 4907 4908 4909 4910 4911 4912 4913 4914 4915 4916 4917**

### Messages from the Governor

The following message from the Governor was received on June 9, 2005, and read:

#### EXECUTIVE ORDER No. 2005-14

#### Department of Community Health Office of Long-Term Care Supports and Services Michigan Long-Term Care Supports and Services Advisory Commission

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, Michigan's publicly-supported system of long-term care must be provided in an integrated and coordinated manner, and must focus on the provision of adequate supports and services, and care for consumers in an efficient, effective, and accountable manner;

WHEREAS, consumers and the families or advocates involved with and most affected by Medicaid long-term care services and supports should be consulted on an on-going basis about ways to improve the quality and delivery of long-term care services and supports;

WHEREAS, Michigan's long-term care system must seek to provide effective public education about the options and settings for long-term services and supports and provide timely and informed access to those options through person-centered planning;

WHEREAS, the Michigan Medicaid Long-Term Care Task Force established by Executive Order 2004-1, has completed its work and submitted its final report and recommendations;

WHEREAS, there is a need to take immediate initial steps to begin moving toward the implementation of recommendations made by the Michigan Medicaid Long-Term Care Task Force;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

As used in this Order:

A. "Commission" means the Michigan Long-Term Care Supports and Services Advisory Commission created within the Department under this Order.

B. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

C. "Office" means the Michigan Office of Long-Term Care Supports and Services created within the Department under this Order.

D. "Office of Services to the Aging" means the Office of Services to the Aging created within the Department of Management and Budget under Section 5 of the Older Michiganians Act, 1981 PA 180, MCL 400.585, and transferred to the Department of Community Health by Executive Order 1997-5, MCL 400.224.

E. "Task Force" means the Michigan Medicaid Long-Term Care Task Force created under Executive Order 2004-1.

#### **II. CREATION OF OFFICE OF LONG-TERM CARE SUPPORTS AND SERVICES**

A. The Office of Long-Term Care Supports and Services is created within the Department of Community Health. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.

B. Staff of the Office shall be designated by the Director of the Department as he or she deems appropriate and sufficient to perform the duties and fulfill the responsibilities of the Office under this Order. The Department initially shall be staffed by reallocating resources from the following organizational units or programs within the Department:

1. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Professions.
2. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Services.
3. The Medical Services Administration.
4. The Mental Health and Substance Abuse Services Administration.
5. The Office of Services to the Aging.

C. The Office shall be headed by the Director of the Office of Long-Term Care Supports and Services who shall be a member of the state classified service and report to the Director of the Department.

D. The Office shall do all of the following:

1. Administer activities to implement the recommendations of the Task Force.
2. Coordinate state planning for long-term care supports and services.
3. Review and approve long-term care supports and services policy formulated by state departments and agencies for adoption or implementation.
4. Conduct efficiency, effectiveness, and quality assurance reviews of publicly-funded long-term care programs.
5. Identify and make recommendations to the Director of the Department regarding opportunities to increase consumer supports and services, organizational efficiency, and cost-effectiveness within Michigan's long-term care system.
6. Prepare an annual report for the Director of the Department and the Governor on the progress of implementing the recommendations of the Medicaid Long-Term Care Task Force Report.
7. Oversee the implementation of the single point-of-entry demonstration programs required under Section VI.

E. The Office shall assume the functions performed by the Department's Office of Long-Term Care Supports and Services prior to the effective date of this Order.

#### **III. CREATION OF THE MICHIGAN LONG-TERM CARE SUPPORTS AND SERVICES COMMISSION**

A. The Michigan Long-Term Care Supports and Services Advisory Commission is created as an advisory body within the Department as a forum for the discussion of issues relating to the provision of long-term care supports and services in Michigan.

B. The Commission shall consist of 15 members appointed by the Governor, including each of the following:

1. Eight members representing primary or secondary consumers of long-term care supports and services.
2. Three members representing providers of Medicaid-funded long-term care supports and services.
3. Three members representing direct care staff providing long-term care supports and services.
4. One member representing the general public.

C. In addition to the members appointed under Section III.B, the Director of the Department, the Director of the Department of Human Services, the Director of the Department of Labor and Economic Growth, the Director of the

Office of Services to the Aging, and the State Long-Term Care Ombudsman, or their designees, shall serve as non-voting ex-officio members of the Commission.

D. Except as otherwise provided in this Section III.D, a member of the Commission appointed under Section III.B shall be appointed to serve for a term of 4 years. To provide for staggered terms, of the members initially appointed under Section III.B, 4 members shall be appointed for a term expiring on May 31, 2006, 4 members shall be appointed for a term expiring on May 31, 2007, 4 members shall be appointed for a term expiring on May 31, 2008, and 3 members shall be appointed for a term expiring on May 31, 2009. A member appointed under Section III.B shall continue to serve until a successor is appointed and qualified.

E. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

F. The Governor shall designate one of the members of the Commission to serve as its Chairperson. The Commission may select from among its members a Vice-Chairperson.

#### **IV. CHARGE TO THE COMMISSION**

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Review and monitor the implementation of recommendations of the Task Force.
2. Review and comment upon quality assurance reviews of Michigan's long-term care system.
3. Serve in an effective and visible consumer advocacy role for improving the quality of, and access to, long-term care supports and services.
4. Participate in the preparation and review of an on-going, comprehensive statewide plan and resources plan for long-term care supports and services to address and meet identified consumer preferences and needs.
5. Ensure the broadest possible on-going public participation in statewide planning.
6. Promote broad, culturally competent, and effective public education initiatives about long-term care issues and choices and provide opportunities for direct involvement by the public.
7. Recommend a performance evaluation of the single point of entry demonstration programs required by this Order and make recommendations for the improvement of the single point of entry system in this state.
8. Discuss potential changes in policy that would encourage more effective provision of long-term care supports and services.

B. The Commission shall provide other information, recommendations, or advice relating to long-term care supports and services as requested by the Governor or the Director of the Department.

#### **V. OPERATIONS OF THE COMMISSION**

A. The Commission shall be staffed and assisted by personnel from the Office, subject to available funding. Any budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Commission shall select from among its members a Secretary. Commission staff shall assist the Secretary with recordkeeping responsibilities.

D. A majority of the members serving on the Commission constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

E. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

F. The Commission may establish committees and request public participation on workgroups as the Commission deems necessary. The Commission may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

G. The Commission may, as appropriate, make inquiries, conduct studies, conduct investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

H. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

I. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

## VI. SINGLE POINT-OF-ENTRY DEMONSTRATION PROGRAMS

A. By June 30, 2006, the Department shall establish not less than 3 single point-of-entry demonstration programs for the delivery of long-term care supports and services. At least one of the programs must be located in an urban area and at least one of the programs must be located in a rural area.

B. The Department shall conduct evaluations of the efficiency and effectiveness of the demonstration programs in meeting expectations for single point-of-entry initiatives identified in the report issued by the Task Force.

C. In developing the single point-of-entry demonstration programs, the Department shall use a collaborative model. The Office of Services to the Aging and the Department of Human Services shall cooperate with the Department in the implementation of this Section IV.

## VII. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.

B. To implement the requirements of this Order, the Director of the Department is authorized to establish the internal organization of the Department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Department as authorized by Section 7 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.107.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law pursuant to Section 2 of Article 5 of the Michigan Constitution of 1963.

D. As the Medicaid Long-Term Care Task Force created by Executive Order 2004-1 has completed the work for which it was created, the Task Force is abolished. Executive Order 2004-1 is rescinded in its entirety.

E. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand and five.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri L. Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

## Messages from the House

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

**Senate Bill No. 352**  
**House Bill No. 4434**  
**Senate Bill No. 282**  
**Senate Bill No. 189**

The motion prevailed.

### **Senate Bill No. 514, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4 and 5 (MCL 380.4 and 380.5), as amended by 2003 PA 299.

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

The motion prevailed.

**Senate Bill No. 515, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 38, 58, and 152 (MCL 389.38, 389.58, and 389.152), as amended by 2003 PA 306.

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

The motion prevailed.

**Senate Bill No. 516, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by adding section 24d.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 517, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3b.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 518, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," (MCL 61.1 to 74.25) by adding section 5a to chapter II.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted 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 Kuipers as Chairperson.

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

**House Bill No. 4444, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9105, 9106, 9110, and 9113 (MCL 324.9101, 324.9105, 324.9106, 324.9110, and 324.9113), section 9101 as amended by 2001 PA 227 and sections 9105, 9106, 9110, and 9113 as amended by 2000 PA 504.

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

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

**Senate Bill No. 387, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

Substitute (S-4).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 393, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.  
Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 274, entitled**

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 3, line 7, by striking out "950,400" and inserting "931,400".
2. Amend page 3, line 19, by striking out "897,400" and inserting "878,400".
3. Amend page 3, line 23, by striking out "10,842,100" and inserting "8,842,100".
4. Amend page 4, line 3, by striking out "10,843,100" and inserting "8,843,100" and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 22, following line 22, by inserting:

"Sec. 607. Not more than \$327,500.00 of the funds appropriated in part 1 that would otherwise lapse to the general fund may be allocated for book distribution centers at the discretion of the director. Funds allocated under this section shall be distributed equally between the public enrichment foundation and the Michigan friends of education."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 278, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 10, line 22, by striking out "16,314,800" and inserting "16,564,800".
2. Amend page 11, line 6, by striking out "17,866,400" and inserting "18,116,400".
3. Amend page 15, line 26, by striking out "8,997,200" and inserting "8,971,200".
4. Amend page 16, line 27, by striking out "1,300,600" and inserting "1,274,600" and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 29, following line 2, by inserting:

"Sec. 603. From the funds appropriated in part 1 for fisheries resources management, \$250,000.00 is provided for preparation activities for removal, including engineering projects, and the removal of the Otsego, Plainwell, and Trowbridge dams on the Kalamazoo River. This shall not preclude the department from pursuing cost recovery for dam removal costs from responsible parties and in the event that the department recovers funds from responsible parties at these locations, the department shall restore funding."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 267, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 2, line 10, by striking out "10,016,707,500" and inserting "10,011,634,500".



2. Amend page 2, line 14, by striking out “9,982,222,100” and inserting “9,977,149,100”.
3. Amend page 2, line 16, by striking out “5,312,880,600” and inserting “5,310,618,600”.
4. Amend page 2, line 22, by striking out “1,385,147,400” and inserting “1,383,527,200”.
5. Amend page 2, line 23, by striking out “2,867,539,500” and inserting “2,866,348,700”.
6. Amend page 4, line 13, by striking out “\$1,569,659,400” and inserting “\$1,569,659,500”.
7. Amend page 4, line 14, by striking out “292,598,300” and inserting “292,598,200”.
8. Amend page 13, line 27, by striking out “212,400,900” and inserting “208,668,600”.
9. Amend page 14, line 1, by striking out “223,330,200” and inserting “219,597,900”.
10. Amend page 14, line 4, by striking out “106,499,000” and inserting “104,386,900”.
11. Amend page 14, line 7, by striking out “4,070,200” and inserting “2,458,000”.
12. Amend page 15, line 27, by striking out “54,588,200” and inserting “46,988,200”.
13. Amend page 16, line 3, by striking out “59,048,800” and inserting “51,448,800”.
14. Amend page 16, line 6, by striking out “41,640,700” and inserting “37,840,700”.
15. Amend page 16, line 8, by striking out “17,408,100” and inserting “13,608,100”.
16. Amend page 16, line 18, by striking out “1,659,523,600” and inserting “1,668,277,300”.
17. Amend page 16, line 20, by striking out “2,012,044,000” and inserting “2,009,740,400”.
18. Amend page 16, line 26, by striking out “6,082,138,100” and inserting “6,088,588,200”.
19. Amend page 17, line 3, by striking out “6,483,616,100” and inserting “6,490,066,200”.
20. Amend page 17, line 6, by striking out “3,620,716,300” and inserting “3,624,366,400”.
21. Amend page 17, line 12, by striking out “1,486,214,000” and inserting “1,489,014,000”.
22. Amend page 17, line 16, by striking out “\$31,155,100” and inserting “\$30,964,300”.
23. Amend page 17, line 22, by striking out “\$9,536,500” and inserting “\$9,345,700”.
24. Amend page 18, line 3, after “is” by striking out “\$4,372,175,900.00” and inserting “\$4,373,986,900.00”.
25. Amend page 18, line 17, by striking out “568,411,300” and inserting “568,411,400”.
26. Amend page 18, line 18, by striking out “292,598,300” and inserting “292,598,200” and adjusting the subtotals, totals, and section 201 accordingly.
27. Amend page 45, line 9, by striking out all of section 456.
28. Amend page 69, following line 22, by inserting:

**“MEDICAL SERVICES ADMINISTRATION**

Sec. 1501. Contingent upon recoveries of Medicaid managed care and fee-for-service payments as noted in the auditor general’s performance audit of the medical services administration published April 2005, \$7,600,000.00, of which \$3,800,000.00 is general fund/general purpose funds, shall be authorized within the medical services administration line”.

29. Amend page 78, following line 18, by inserting:

“(e) That the recipient shall abstain from abusing controlled substances and narcotics.”.

30. Amend page 91, following line 10, by inserting:

“Sec. 1684. Of the funds appropriated in part 1 for the Medicaid home- and community-based services waiver program, no more than \$6.30 per person per day shall be allocated for administrative expenses.”.

31. Amend page 93, following line 13, by inserting:

“Sec. 1690. The department may work with the federal government to establish an estate preservation program as recommended by the Michigan Medicaid long-term care task force.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 270, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 21, line 13, by striking out “6,913,100” and inserting “6,896,700”.
2. Amend page 22, line 12, by striking out “821,100” and inserting “804,700” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 33, following line 4, by inserting:

“Sec. 220. The department shall annually report to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the year. That report shall include the total amount of fines and penalties assessed and collected by program area and a 3-year comparison of fines assessed.”

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

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

**Senate Bill No. 264, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-2).

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

1. Amend page 9, line 5, by striking out “3,220,000” and inserting “3,001,300”.
2. Amend page 9, line 6, by striking out “49,600” and inserting “46,300”.
3. Amend page 9, line 7, by striking out “149,200” and inserting “139,100”.
4. Amend page 9, line 8, by striking out “1,600,000” and inserting “1,491,300”.
5. Amend page 9, line 9, by striking out “2,994,300” and inserting “2,790,900”.
6. Amend page 9, line 10, by striking out “1,080,000” and inserting “1,006,600”.
7. Amend page 9, line 11, by striking out “1,291,600” and inserting “1,203,900”.
8. Amend page 9, line 12, by striking out “54,600” and inserting “50,900”.
9. Amend page 9, line 13, by striking out “3,548,000” and inserting “3,307,000”.
10. Amend page 9, line 14, by striking out “194,300” and inserting “181,100”.
11. Amend page 9, following line 14, by inserting:  
     “Build and track improvement - county and state fairs ..... 963,200”.
12. Amend page 10, line 7, by striking out “1,528,200” and inserting “1,522,200”.
13. Amend page 10, line 20, by striking out “344,500” and inserting “338,500” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

**Senate Bill No. 275, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Substitute (S-2).

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

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

**Senate Bill No. 266, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006, to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (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:

- Senate Bill No. 274**
- Senate Bill No. 278**
- Senate Bill No. 267**
- Senate Bill No. 270**
- Senate Bill No. 264**
- Senate Bill No. 275**
- Senate Bill No. 266**

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

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

- Senate Bill No. 538**
- Senate Bill No. 251**
- Senate Bill No. 353**
- Senate Bill No. 274**
- Senate Bill No. 278**
- Senate Bill No. 267**
- Senate Bill No. 270**
- Senate Bill No. 264**
- Senate Bill No. 275**
- Senate Bill No. 266**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 538, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

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. 223**

**Yeas—23**

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

**Nays—14**

Basham	Clark-Coleman	Olshove	Schauer
Bernero	Clarke	Patterson	Scott
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs		

**Excused—0**

**Not Voting—1**

Leland

In The Chair: Birkholz

The Senate agreed to the title of the bill.

**Protests**

Senators Brater, Schauer and Basham, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 538.

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 Senators Schauer and Basham concurred, is as follows:

I rise to oppose this bill. As I stated when we discussed it on General Orders, there are a number of environmental concerns with the facilities that would be likely to benefit from this bill, which is to provide loans for people who want to have methane digesters on their farms. The only type of farm that really can make use of these methane digesters are very large operations, sometimes referred to as concentrated animal feed operations or less fondly as factory farms.

I sent around to all of your offices some information from the Sierra Club about this. You should have a document on your desk called “Michigan’s Dirty Rural Secret.” It is illustrated with photographs of manure discharging from pipes coming out of these facilities, and there is ongoing concern about the inability of the Department of Environmental Equality, given the limited of resources that it has now, to monitor these operations and to enforce our environmental laws.

To paraphrase the position paper of the Sierra Club on this issue, which has in the absence of the ability of the department to enforce because of limited resources, they have sent out volunteers to sample water coming out of these facilities. They have found widescale violations of our environmental laws. So these bills would basically subsidize polluters. Methane digesters do nothing to reduce the massive quantity or high toxicity of animal waste generated by CAFOs. Energy productions from digesters is minimal compared to the investment. Major sources of odors from CAFOs are not addressed by methane digesters. Ammonia and NOx production and discharge to the air could increase from these digesters. State subsidies for anaerobic digesters would create further pressures on the state budget that is already structurally out of balance.

I am disappointed that the provisions DEQ sought to include, to require farmers be in compliance with state and federal environmental laws in order to benefit from this legislation, are not in the bill we are considering. I am well aware that the bill does contain a provision requiring the farms to be verified under the Michigan Agriculture Environmental Assurance Program, but being verified by that program does not necessarily mean that a farm is in compliance with environmental laws because it’s a voluntary program.

We should not be in the business of giving taxpayers’ dollars to people who are violating state and federal laws. Yet that is just one problem with this bill, as with Senate Bill No. 251, which I believe we will be taking up next.

This bill would provide loans to assist the largest farm operations, CAFOs, which have been repeatedly found to cause serious environmental and social damage to their communities. Compost produced from methane digesters contain high levels of phosphorous and nitrogen which, when spread on fields, can seep into groundwater or run off into surface water. And while these digesters may mitigate some of the problems with the manure these CAFOs produce, they don’t solve the problem. The digesters reduce some methane that contributes to the greenhouse effect, but as I said, they increase ammonia emissions, another greenhouse gas.

In addition, these huge farms are in part responsible for putting small and mid-size farms out of business. With the difficult budget situation Michigan is facing, state funds should not be used to subsidize CAFOs. I ask you to oppose these bills.

Senator Schauer moved that Senator Leland be excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 251, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

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. 224**

**Yeas—23**

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

**Nays—14**

Basham	Clark-Coleman	Olshove	Schauer
Bernero	Clarke	Patterson	Scott
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs		

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 251.

Senator Brater’s statement is as follows:

I voted “no” on Senate Bill No. 251 because I support research into alternative sources of energy and sustainable, nonpolluting agriculture, but that will not be the end result of Senate Bill No. 251. If the goal is to promote alternative energy, funds would be better spent subsidizing energy sources that do not rely on an industry which pollutes the environment as its feedstock.

The bill before us would add methane digesters to the list of personal property that is exempt from taxation. Just as with the previous bill, I must ask, why should taxpayer money be spent to benefit the worst agriculture has to offer? Methane digesters do little to address the pollution caused by CAFOs since they only address one component of the air and water pollution caused by these facilities.

The Sierra Club issued a report entitled “Michigan’s Dirty Rural Secret,” which found that all the CAFOs investigated had some discharge causing pollution. We do not really know how many CAFOs there are or how serious

the pollution is because DEQ does not have enough personnel to monitor the facilities. While other states, such as North Carolina, are closing their doors to these kinds of operations, bills like this are just opening the door wider in Michigan. Michigan is putting itself in a position to be a dumping ground, and we should be doing more, not less, to prevent this from happening.

The following bill was read a third time:

**Senate Bill No. 353, entitled**

A bill to operate certain programs in the Michigan strategic fund; and to impose certain duties and responsibilities on certain state employees and public employees.

The question being on the passage of the bill,

Senator Gilbert offered the following amendment:

1. Amend page 2, line 11, after “areas” by striking out “only for” and inserting “including, but not limited to,”.

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. 225**

**Yeas—32**

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

**Nays—5**

Johnson	Schauer	Thomas	Toy
Patterson			

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

**Protest**

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 353 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Schauer’s statement is as follows:

I rise to debate Senate Bill No. 353 and offer a reason why we should not support this bill at this time. This is an item that passed through the economic development committee unanimously. However, after study, there are some potential unintended consequences, and I wanted members to know about that, particularly members in a set of

counties that under this bill have populations of less than 200,000 and would be considered nonrural. Interestingly, the line of demarcation was drawn on counties of population under 90,000.

What this bill does is legislate something that really isn't needed. It sets aside an earmark of 55 percent of community development block grant funds for these rural counties. If you are among the counties that I am about to mention, your county may not, because of this earmark, receive community development block grant funds for economic development job projects in your community when they need them. So listen and see if one of your counties is on this list: Allegan County, Bay County, Berrien County, Calhoun County—that is one of mine, Eaton County, Jackson County—that's another one of mine, Lapeer County, Lenawee County, Livingston County, Monroe County, Muskegon County, and St. Clair County. I believe the bill sponsor, Senator Gilbert, yes, St. Clair County is his county.

So 45 percent of the CDBG funds would now be set aside for those counties. And depending on how applications for these block grant funds flow, again, the timing could be such where you have a great jobs project in your community, the MEDC has been working with that company and with your economic developers in your community to put together the package in community development block grant funds are part of that deal, and they wouldn't be there.

So I will be voting "no," and if you are in one of those nonrural counties that would be defined under this bill, you should probably think twice about it as well.

The following bill was read a third time:

**Senate Bill No. 274, entitled**

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Clarke offered the following amendments:

1. Amend page 3, line 23, by striking out "10,842,100" and inserting "11,328,400".
2. Amend page 4, line 3, by striking out "10,843,100" and inserting "11,329,400" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Clarke offered the following amendments:

1. Amend page 5, line 21, by striking out "12,340,700" and inserting "13,327,100".
2. Amend page 6, line 6, by striking out "19,735,200" and inserting "20,721,600" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not 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. 226**

**Yeas—23**

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

**Nays—14**

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

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 278, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Prusi offered the following amendments:

1. Amend page 12, line 26, by striking out “25,910,000” and inserting “26,609,400”.
2. Amend page 13, line 10, by striking out “6,401,500” and inserting “5,702,100”.
3. Amend page 14, line 7, by striking out “4,700,600” and inserting “5,400,000”.
4. Amend page 14, line 15, by striking out “11,734,700” and inserting “12,434,100” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not 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. 227****Yeas—35**

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

**Nays—2**

Cassis	Patterson
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**Excused—1**

Leland



**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 267, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Basham offered the following amendments:

1. Amend page 2, line 10, by striking out “10,016,707,500” and inserting “10,036,707,500”.
2. Amend page 2, line 14, by striking out “9,982,222,100” and inserting “10,002,222,100”.
3. Amend page 2, line 23, by striking out “2,867,539,500” and inserting “2,887,539,500”.
4. Amend page 4, line 14, by striking out “292,598,300” and inserting “312,598,300”.
5. Amend page 5, line 2, by striking out “2,207,582,200” and inserting “2,227,582,200”.
6. Amend page 5, line 9, by striking out “1,053,575,100” and inserting “1,073,575,100”.
7. Amend page 18, line 3, after “is” by striking out “\$4,374,986,900.00” and inserting “\$4,394,986,900.00”.
8. Amend page 18, line 5, after “is” by striking out “\$1,000,784,900.00” and inserting “\$1,020,784,900.00”.
9. Amend page 18, line 18, by striking out “292,598,300” and inserting “312,598,300”.
10. Amend page 20, line 5, by striking out “\$1,000,784,900” and inserting “\$1,020,784,900” and adjusting the subtotals, totals, and section 201 accordingly
11. Amend page 45, line 20, by striking out all of section 457.

The question being on the adoption of the amendments,

Senator Basham requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 228**

**Yeas—17**

Barcia	Clark-Coleman	Olshove	Scott
Basham	Clarke	Patterson	Switalski
Bernero	Emerson	Prusi	Thomas
Brater	Jacobs	Schauer	Toy
Cherry			

**Nays—20**

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

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

Senator Cherry offered the following amendments:

1. Amend page 2, line 10, by striking out "\$10,016,707,500" and inserting "\$10,017,052,000".
2. Amend page 2, line 14, by striking out "\$9,982,222,100" and inserting "\$9,982,566,600".
3. Amend page 2, line 23, by striking out "\$2,867,539,500" and inserting "\$2,867,884,000".
4. Amend page 15, line 10, by striking out "35,059,700" and inserting "35,404,200".
5. Amend page 15, line 16, by striking out "\$93,642,500" and inserting "\$93,987,000".
6. Amend page 15, line 24, by striking out "\$33,607,800" and inserting "\$33,952,300".
7. Amend page 18, line 3, after "is" by striking out "\$4,374,986,900.00" and inserting "\$4,375,331,400".
8. Amend page 18, line 5, after "is" by striking out "\$1,000,784,900.00" and inserting "\$1,001,129,400.00".
9. Amend page 19, line 26, by striking out "14,689,800" and inserting "15,034,300" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 229****Yeas—18**

Barcia	Clark-Coleman	Patterson	Switalski
Basham	Clarke	Prusi	Thomas
Bernero	Emerson	Schauer	Toy
Brater	Jacobs	Scott	Van Woerkom
Cherry	Olshove		

**Nays—19**

Allen	Cropsey	Hammerstrom	McManus
Birkholz	Garcia	Hardiman	Sanborn
Bishop	George	Jelinek	Sikkema
Brown	Gilbert	Johnson	Stamas
Cassis	Goschka	Kuipers	

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

Senator Cherry offered the following amendments:

1. Amend page 2, line 10, by striking out “\$10,016,707,500” and inserting “\$10,017,676,200”.
2. Amend page 2, line 14, by striking out “\$9,982,222,100” and inserting “\$9,983,190,800”.
3. Amend page 2, line 23, by striking out “\$2,867,539,500” and inserting “\$2,868,508,200”.
4. Amend page 15, line 13, by striking out “100,000” and inserting “1,068,700”.
5. Amend page 15, line 16, by striking out “\$93,642,500” and inserting “\$94,611,200”.
6. Amend page 15, line 24, by striking out “\$33,607,800” and inserting “\$34,576,500”.
7. Amend page 18, line 3, after “is” by striking out “\$4,374,986,900.00” and inserting “\$4,375,955,600.00” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 230**

**Yeas—18**

Barcia	Clark-Coleman	Olshove	Switalski
Basham	Clarke	Prusi	Thomas
Bernero	Emerson	Schauer	Toy
Brater	Gilbert	Scott	Van Woerkom
Cherry	Jacobs		

**Nays—18**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Johnson	Sanborn
Bishop	Goschka	Kuipers	Sikkema
Brown	Hammerstrom	McManus	Stamas
Cropsey	Hardiman		

**Excused—1**

Leland

**Not Voting—1**

Cassis

In The Chair: Birkholz

Senator Cherry offered the following amendments:

1. Amend page 2, line 10, by striking out “10,011,634,500” and inserting “10,021,309,700”.
2. Amend page 2, line 14, by striking out “9,977,149,100” and inserting “9,986,824,300”.
3. Amend page 2, line 16, by striking out “5,310,618,600” and inserting “5,316,093,800”.
4. Amend page 2, line 23, by striking out “2,866,348,700” and inserting “2,870,548,700”.
5. Amend page 16, line 18, by striking out “1,668,277,300” and inserting “1,677,952,500”.
6. Amend page 16, line 26, by striking out “6,088,588,200” and inserting “6,098,263,400”.
7. Amend page 17, line 3, by striking out “6,490,066,200” and inserting “6,499,741,400”.
8. Amend page 17, line 6, by striking out “3,624,366,400” and inserting “3,629,841,600”.

9. Amend page 17, line 12, by striking out “1,489,014,000” and inserting “1,493,214,000”.  
 10. Amend page 18, line 3, after “is” by striking out “\$4,372,175,900.00” and inserting “\$4,376,375,900.00” and adjusting the subtotals, totals, and section 201 accordingly.  
 11. Amend page 91, following line 10, by striking out all of section 1684.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 231**

**Yeas—18**

Barcia	Clark-Coleman	Olshove	Switalski
Basham	Clarke	Prusi	Thomas
Bernero	Emerson	Schauer	Toy
Brater	Gilbert	Scott	Van Woerkom
Cherry	Jacobs		

**Nays—19**

Allen	Cropsey	Hardiman	Patterson
Birkholz	Garcia	Jelinek	Sanborn
Bishop	George	Johnson	Sikkema
Brown	Goschka	Kuipers	Stamas
Cassis	Hammerstrom	McManus	

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

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. 232**

**Yeas—20**

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

**Nays—17**

Barcia	Clark-Coleman	Olshove	Scott
Basham	Clarke	Patterson	Switalski

Bernero  
Brater  
Cherry

Emerson  
Jacobs

Prusi  
Schauer

Thomas  
Toy

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

**Protest**

Senator Cherry, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 267 and moved that the first statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I would like to just speak for a few minutes about the Community Health budget bill. Before I talk about why I am voting “no,” I did want to thank the chair of the subcommittee for the good work that he has done in trying to make it better in my terms. But there are some very basic reasons why I am going to be voting “no” on this budget, and some of them are on some of the action that we just took dealing with senior citizens and services that are available to them.

Most importantly, I still believe the MIChoice program is not fully funded and that we should be doing that completely at this point early on because it is so important. It will save costs in Medicaid in the long-term, and if we could be doing this, I would be advocating to actually increase this line because ultimately it will save Medicaid dollars by providing alternative services so that the elderly and disabled have other alternatives than institutionalization. I think that’s a good move not just fiscally, but for humanitarian purposes that that would be the right way for this state to go.

In addition, I have many concerns about the premiums and deductibles that we are requiring that Medicaid recipients pay. While I understand there are some very good reasons why we should be trying to encourage good behavior, that is important, and the desire to have some kind of ownership into the system. I really believe we need to be thinking about this much longer than what we are doing within this process because the savings that have been projected will not be seen, I don’t believe. And what we will see is a shift in cost to institutions that we ultimately will be paying in our insurance premiums and in our own health care.

In addition, I believe that health care services really should be available to every person and to every child and that this program, by adding some of these deductibles, especially for children, will have the impact of making sure that they will not get the care that they need.

There was a study done by the Kaiser Commission on Medicaid and the Uninsured in May 2005, and some of the results of those costs are just what I said, that the costs of covering losses and problems associated because of the increased out-of-pocket costs for Medicaid clients has led to increased cost pressures on providers and on the health care safety net. There has really been a shift to providing health care. It has not lowered, as has been argued by the other side. It has not lowered health care costs; it has simply shifted costs.

So, based on those reasons, along with others about some of the cuts that were made in this budget, I unfortunately am going to have to vote “no.”

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

The motion prevailed.

Senator George's statement is as follows:

I rise in support of final passage, and I want to explain some of the innovations that the subcommittee chair has adopted in the measure. I want to refute some of the arguments that have been used against it.

But first, just to set the scene, I want to remind you that MEDC commissioned a study over a year ago. It was commissioned through the Altarum Group, which is a think tank out of Ann Arbor, regarding Michigan's public health problems. And the question at the time that the Governor asked was, "How are our public health problems harming our business climate?" That was the premise of the study, and the results of the study were released last spring. I quote from the study. They found that "obesity, smoking, and related behaviors are particularly prevalent in Michigan. Michigan's high rate of obesity, smoking, coronary heart diseases, and diabetes are increasing health care costs and health care premiums." The study went on to conclude that, "Overweight and obese individuals incur up to \$1,500 more in annual medical costs than healthy-weight individuals." That was one study. That was over a year ago.

We've had other studies in the medical literature that suggests that smokers contribute \$500-\$1,000 per individual to their health care costs per year. We know when comparing Michigan to other states, and in the Altarum study, we were compared to similar benchmark states. We were found to have the second-highest rate of obesity, the sixth-highest rate of smoking, the highest rate of coronary heart disease, and the second-highest rate of diabetes, comparing us to the benchmark states. We see the effects of this. We see it when we read that General Motors is going to lay off 25,000 people, reduce their work force. We know it when we hear that it adds \$1,500 to the price of every car.

So our goals should be making Michigan healthier, and that is, in fact, what the department set as its goal using the *Price of Government* and all the things that affect the quality of our life and the quality of our work more than our good health. That should be the goal. I think we all agree, but what has the department done to further that goal? What has the department done? Well, we have a surgeon general. The surgeon general is a classmate of mine from medical school, and she does a great job. She talks about the need to attend to our public health problems. The department has appointed a chief nurse executive, whom I have not met, but who I am sure is also an advocate for improving our public health.

The department operates now a website. It's called the Michigan Steps Up Campaign. Have any of you looked at it? I have looked at it. You can look at it and you can learn how to be healthy. I wonder how many Medicaid patients have used the Michigan Steps Up Campaign? I would be curious to know. I bet not too many out of our 1.4 million Medicaid patients. But if you went to the website, well, you could find the Tip of the Day on the website. This will surely make you healthy. Here is the tip for today: Use fats and oils sparingly. Olive, canola, and peanut oils, avocados, nuts and nut butters, olives, and fish provide heart-healthy fat, as well as vitamins and minerals. That's the tip for the day on the department's website. That's great.

You could also, if you wanted, sign up for the *Michigan Healthy Living* newsletter. I suppose they would e-mail this to you if you signed up for it. Here is a recent one, February 2005, a whole newsletter entitled "Water: Your Liquid Asset. Drink more water when it is hot and humid outside." That's just brilliant. I'm sure that will make the citizens of Michigan healthier. "Mix up apples, apple juice, ice, and add a little cinnamon." That's great.

There are some other things the department has done to further the public health. Here's a press release from my friend, the public relations director from the Community Health Department. This came out about the same time as the Altarum study which highlighted and underscored our public health problems. This was last spring. "Giant African Land Snails: Pests, Not Pets." The department is "warning schools, pet shops, and the public around the state that illegal giant African land snails could pose a public health risk and are major agricultural and environmental pests. People who handle snails of uncertain origin should always wear gloves and wash their hands. If you have a giant African land snail, do not release it into the environment under any circumstance or give it to someone else."

This year the department took up another charge. Okay, we handled the giant African land snail problem. This spring, my friend, the director of publicity for the department, issued another press release: Michigan Department of Community Health formally recognizes the entire Sesame Street cast and crew for making positive steps towards promoting healthy lifestyles and sent them a letter. The award-winning children's program will kickoff its thirty-sixth season with a story about healthy habits, featuring a mix of new characters such as talking eggplants and carrots. I'm glad the department shares my interest in addressing the public health problems that are facing our state.

Now some have said that, well, this idea of co-pays and premiums, how is this really going to help financially with the budget? There are three ways. First, there's the direct effect of patients contributing financially to their own care—a dollar a month premium, \$5 a month premium, a few dollars for a co-pay. If you add that up for 1.4 million patients, and some of them may be exempt because they are in certain categories or wouldn't apply, but if you add that up, the department says, we will raise \$44 million. We will save \$44 million in the budget and what does that do? That helps us reinstitute adult dental care; that helps with vision and screening programs; that helps us keep people on Medicaid so we don't have to raise the bar and throw them off like our colleagues in the House are considering. Wouldn't it be better to cover more patients, especially if we could have incentives for healthy behavior?

The other way it will help save costs is the immediate effect on public health. Look, if you are pregnant and you quit smoking during your pregnancy, you reduce the incidence of premature delivery. It doesn't take 20 years to see that result. It can happen within a matter of weeks or months. Reduce the risk of premature delivery. It's a huge cost to our Medicaid program. A premature baby, a baby born at 26 weeks gestation as opposed to 40 weeks gestation, can cost the state a quarter-million, a half-million dollars. At one of my hospitals, we have a 40-bed neonatal intensive care unit filled with little tiny Medicaid patients. They look like birds that have fallen out of the nest. They can each cost a quarter or half a million dollars each. One of the risk factors is smoking during pregnancy. Thirty percent of the pregnant patients I see who are on Medicaid are smoking during pregnancy. So it can make a difference if you can get a pregnant patient to stop smoking. If then the baby stays in utero longer and delivers, maybe they are still premature, but maybe they are at 34 weeks gestational age. Then they won't be a million-dollar baby.

The third way it helps is in the long-run. We know all the benefits of not smoking, of activity, of healthy eating, of avoiding dangerous drugs, of getting our children vaccinated. There are long-term benefits there.

So this has three ways that it will financially affect the Medicaid program: the direct input of the co-pays and the premiums, the immediate effects of changing unhealthy behaviors, and the long-term effects of changing those behaviors.

I want to address three of the arguments that have been brought up by the opponents. One is that having co-pays or premiums will keep patients out of the system. There have actually been a couple of studies to address that. One was by the RAND Corporation. This was a study that was completed in 1984. It was the largest and most comprehensive health care project ever conducted looking at the effect of cost sharing. It found that it lowered total medical costs with no significant effect on the health status of the patient. I mentioned earlier that Utah has a series of co-pays and premiums. The initial report from Utah is their department has conducted a survey which found that there has not been a statistically significant impact on utilization in their state. Patients who need care, who want care, will still get it.

Secondly, I have heard the argument that the administrative burden will be too high; that, oh well, we will never be able to figure out how to make co-pays and premiums work. Well, everybody else's insurance program does. Most other people in this state who have insurance have a system of co-pays and premiums. That's why we have HMOs. Four-fifths of our Medicaid patients are enrolled in HMOs, health maintenance organizations. I would say that right now they are just health system payment organizations. But we can turn them into health maintenance organizations by giving them the tools they need, allowing them to institute co-pays and premiums that reflect personal behavior, and they can do it. Here the department lauded our HMOs recently; three of them won national awards. Why was that? Because of their ability to collect data. It says right here, "The growing availability of data from managed care organizations can help Michigan's Medicaid members make more informed health plan choices." Our Medicaid HMOs are already doing it. We are the perfect state to institute a plan like this because we have a network in place that can administer it.

Finally, the other criticism I have heard is that, well, the federal government will never approve waivers for co-pays or for premiums. And look, a dozen states already do it. The innovation here is tying them to behavior, and I believe the federal government would approve a waiver. All you would need to do is look at comments from the administration saying that they are looking for innovation in the states.

Finally, I would just cite Governor Bredesen again from Tennessee who said that, "The challenge of Medicaid is an American bipartisan issue that demands a coordinated national response. How do we solve the problem?" he asks. "Let's scrap the old, inefficient version of Medicaid that's led us to spend more and more of our finite resources on a system that never yielded the kind of public health results we'd hoped for. Instead, let's launch a new version." Governor Bredesen, Democratic Governor from Tennessee.

So I encourage my colleagues to support the chair's budget version, and I thank him for including these reforms. Michigan can be on the cutting edge and can lead the way to truly make our state healthier.

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

The following bill was read a third time:

**Senate Bill No. 270, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,  
Senator Brater offered the following amendment:

1. Amend page 35, line 4, by striking out all of section 703.

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

Senator Brater offered the following amendments:

- 1. Amend page 16, line 7, by striking out “3,837,600” and inserting “8,837,600”.
- 2. Amend page 16, following line 26, by inserting:  
“Michigan green communities fund..... 5,000,000”.
- 3. Amend page 20, following line 15, by inserting:  
“Recycling program grants..... 95,000,000”.
- 4. Amend page 21, following line 3, by inserting:  
“Michigan green communities fund..... 95,000,000”

and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 233**

**Yeas—15**

Barcia	Cherry	Jacobs	Scott
Basham	Clark-Coleman	Olshove	Switalski
Bernero	Clarke	Prusi	Thomas
Brater	Emerson	Schauer	

**Nays—22**

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

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Sanborn

Senator Basham offered the following amendment:

- 1. Amend page 35, following line 16, by inserting:

“Sec. 802. The department shall annually report to the city of Romulus the various impacts of the proposed deep well injection facility.”.

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

Senator Brater offered the following amendment:

- 1. Amend page 36, line 25, by striking out all of section 903.

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

Senator Schauer requested the yeas and nays.

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

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



**Roll Call No. 234****Yeas—15**Barcia  
Basham  
Bernero  
BraterCherry  
Clark-Coleman  
Clarke  
EmersonJacobs  
Olshove  
Prusi  
SchauerScott  
Switalski  
Thomas**Nays—22**Allen  
Birkholz  
Bishop  
Brown  
Cassis  
CropseyGarcia  
George  
Gilbert  
Goschka  
Hammerstrom  
HardimanJelinek  
Johnson  
Kuipers  
McManus  
PattersonSanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom**Excused—1**

Leland

**Not Voting—0**

In The Chair: Sanborn

Senator McManus offered the following amendment:

1. Amend page 37, following line 11, by inserting:

“Sec. 904. From the funds appropriated in part 1, the department shall not implement or enforce administrative rules, policies, guidelines, or procedures that require a person to obtain a national pollutant discharge elimination system permit if the person has not been found by the department to have a regulated discharge of pollutants into waters of the state.”.

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. 235****Yeas—36**Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
CassisCherry  
Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
GoschkaHammerstrom  
Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
McManus  
Olshove  
PrusiSanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom**Nays—1**

Patterson

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators McManus, Cropsey, Kuipers, Barcia, Goschka, Jelinek, Garcia and Hardiman introduced

**Senate Bill No. 580, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2117a.

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

Senators Birkholz, Kuipers and Goschka introduced

**Senate Bill No. 581, 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 2 (MCL 207.552), as amended by 2003 PA 5.

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

Senators Bishop, Sanborn, Gilbert, Toy, Patterson, Birkholz, Cassis, Stamas, Allen, Goschka, Van Woerkom, George, Brown, McManus, Basham and Kuipers introduced

**Senate Bill No. 582, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 46 and 49 (MCL 24.246 and 24.249), section 46 as amended by 1999 PA 262 and section 49 as amended by 2004 PA 23.

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

**House Bill No. 4108, entitled**

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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

The bill was read a first and second time by title and referred to the Committee on Agriculture, Forestry and Tourism.

**House Bill No. 4555, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

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

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

**House Bill No. 4821, entitled**

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 2002 PA 600.

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

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

**House Bill No. 4823, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 8 and 9 (MCL 446.208 and 446.209), section 8 as amended by 2002 PA 469 and section 9 as amended by 2004 PA 585.

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

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

**House Bill No. 4825, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

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

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

**House Bill No. 4826, entitled**

A bill to amend 1982 PA 250, entitled "Child abuse and neglect prevention act," by amending section 4 (MCL 722.604).

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

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

**House Bill No. 4831, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2006; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

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

**Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 3:01 p.m.

3:14 p.m.

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 264, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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. 236****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	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

**Nays—0****Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.  
 The question being on the motion to reconsider,  
 Senator Hammerstrom moved that further consideration of the bill be postponed for today.  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 275, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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. 237**

**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	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.  
 The question being on the motion to reconsider,  
 Senator Hammerstrom moved that further consideration of the bill be postponed for today.  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 266, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006, to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 238****Yeas—34**

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

**Nays—3**

Cherry	Emerson	Patterson
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**Excused—1**

Leland

**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

**Statements**

Senators Scott, Brown and Cherry 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:

Yesterday, the Governor was in Detroit to do a series of television interviews highlighting a new plan to reduce insurance rates. I briefly spoke last week about this new initiative that seeks to deliver affordable insurance through purchasing groups that will be established in two pilot areas—Flint and Detroit.

I commend our Governor, the Office of Financial and Insurance Services commissioner, and the director of the Office of Community and Faith-Based Initiatives for their efforts in taking action to reduce insurance rates for Michigan's consumers, particularly those in the urban settings.

By allowing these purchasing groups to negotiate directly with insurance companies, those with good driving records and with a good claims history should experience significantly lower premiums for their home and auto insurance.

I have stood here for months stressing that something must be done for those of us who are unfairly being targeted and paying ridiculously high premiums simply because of where we live. By having insurance companies look at the things that truly matter—driving records, claims history, type of car—and not just zip codes, consumers will pay a premium that translates to a more affordable and fairer rate.

I look forward to witnessing some real relief for the thousands of ratepayers in these two pilot areas who will pay according to the indicators that truly matter most.

Senator Brown's statement is as follows:

A little dose of humility is good for the soul. How about that? When I misspoke earlier, I did so because I allowed myself to be distracted, and consequently, lost track of the continuity of what we were doing. I do apologize to the good Senator from Ann Arbor and to the body. My intention was not to be deliberate in doing that, and certainly, speaking out of order, but it was simply because I lost track of where we were.

Senator Cherry's statement is as follows:

As you can remember, we mentioned on Tuesday and Wednesday of last week that the Children's Caucus will be hosting a breakfast with economist Rob Grunewald as our guest this Thursday. He will discuss the economic benefits of investing in human capital and will make the case that human capital breeds economic success not only for those being educated, but for the overall economy.

The economic benefits of investing in young children are, first of all, a reduction in poverty. Children attending strong preschool programs are less likely to live in poverty as adults.

Second—a reduced crime rate. Quality early childhood programs have shown to be the most effective way to reduce crime, surpassing police expenditures or incarceration.

Third—a stronger workforce. Strong pre-K programs have proven records promoting achievement through literacy and improving labor market outcomes. It will be helpful to have this strong work force to produce quality workers for the high-tech companies that we are currently trying to attract.

Again, Madam President, you and I hope that the rest of our caucus can attend the Children's Caucus breakfast this Thursday, June 16th.

### Committee Reports

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

**Senate Bill No. 370, entitled**

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2003 PA 130.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

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

**Senate Bill No. 456, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

With the recommendation that the bill pass.

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

Alan Sanborn  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

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

**House Bill No. 4541, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2004 PA 266, and section 537 as amended by 2001 PA 223.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 4, line 10, by striking out "(2)" and inserting "(3)".

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

Alan Sanborn  
Chairperson

## To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, June 8, 2005, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Finance reported

**Senate Bill No. 43, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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.

Nancy Cassis

Chairperson

## To Report Out:

Yeas: Senators Cassis, Garcia and Thomas

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 Finance submitted the following:

Meeting held on Thursday, June 9, 2005, at 8:40 a.m., Room 405, Capitol Building

Present: Senators Cassis (C), Garcia, Thomas and Brater

Excused: Senator McManus

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 471, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

With the recommendation that the bill pass.

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

Laura M. Toy

Chairperson

## To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 472, entitled**

A bill to amend 1987 PA 26, entitled "Michigan superconducting super collider act," by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

With the recommendation that the bill pass.

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

Laura M. Toy

Chairperson

## To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.



The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 473, entitled**

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by repealing section 5 (MCL 15.445).  
With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 474, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 475, entitled**

A bill to amend 1982 PA 175, entitled "An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts," by amending section 2 (MCL 125.1952).

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 476, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 77 (MCL 125.2077).

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 477, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as added by 1999 PA 238.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 478, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 480, entitled**

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by repealing section 10 (MCL 550.60).

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 481, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 8029 (MCL 600.8029).

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, June 9, 2005, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Basham and Bernero

Absent: Senator Goschka

The Committee on Appropriations reported

**Senate Bill No. 276, entitled**

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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.

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: Senators Prusi, Barcia, Scott and Clarke

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

The Committee on Appropriations reported

**Senate Bill No. 273, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: Senators George, Prusi, Scott, Cherry, Clarke and Switalski

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

The Committee on Appropriations reported

**Senate Bill No. 270, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 264, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 280, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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.

Shirley Johnson

Chairperson

## To Report Out:

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

Nays: Senators Prusi and Cherry

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

The Committee on Appropriations reported

**Senate Bill No. 277, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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.

Shirley Johnson

Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 272, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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.

Shirley Johnson

Chairperson

## To Report Out:

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

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 Appropriations submitted the following:

Meeting held on Wednesday, June 8, 2005, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Agriculture, Forestry and Tourism reported

**House Bill No. 4623, entitled**

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

With the recommendation that the bill pass.

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

Gerald Van Woerkom  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture, Forestry and Tourism reported

**House Bill No. 4635, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8515 (MCL 324.8515), as added by 1995 PA 60, and by adding section 8518.

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.

Gerald Van Woerkom  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Concurrent Resolution No. 22.**

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

(For text of resolution, see Senate Journal No. 50, p. 736.)

With the recommendation that the concurrent resolution be adopted.

Gerald Van Woerkom  
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Agriculture, Forestry and Tourism reported

**Senate Resolution No. 35.**

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer.

(For text of resolution, see Senate Journal No. 50, p. 734.)

With the recommendation that the resolution be adopted.

Gerald Van Woerkom  
Chairperson

## To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, June 9, 2005, at 9:00 a.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

**Senate Bill No. 275, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 266, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006, to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 271, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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

The Committee on Appropriations reported

**Senate Bill No. 281, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: Senators Prusi, Scott, Cherry and Clarke

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

The Committee on Appropriations reported

**Senate Bill No. 279, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 11, 11a, 11f, 11g, 11j, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 37, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, 107b, 147, 158b, and 164c (MCL 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632j, 388.1637, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1707, 388.1707b, 388.1747, 388.1758b, and 388.1764c), sections 4, 6, 11f, 11g, 11j, 19, 20, 20j, 22a, 22b, 24, 26a, 31d, 32c, 32d, 32j, 37, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, 147, and 158b as amended and sections 22d and 107b as added by 2004 PA 351, sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, section 18 as amended by 2004 PA 414, section 20d as amended by 1997 PA 93, section 31a as amended by 2004 PA 593, section 39 as amended by 2002 PA 191, and section 164c as added by 1995 PA 130, and by adding sections 22e, 26b, and 103; and to repeal acts and parts of acts.

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

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

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Thursday, June 9, 2005, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Garcia

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 9, 2005, at 2:00 p.m., Room 210, Farnum Building

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

Excused: Senator Van Woerkom

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Higher Education and Education** - Wednesday, June 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Judiciary and Corrections** - Tuesday, June 21, 3:00 p.m., Senate Hearing Room, 1st Floor, Boji Tower (373-3760)

**K-12, School Aid, Education and Education** - Thursday, June 16, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-6960)

**Natural Resources Department** - Wednesday, June 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725) (CANCELED)

**Education and Higher Education Appropriations Subcommittee** - Wednesday, June 15, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6920)

**Education and K-12, School Aid, Education Appropriations Subcommittee** - Thursday, June 16, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-6920)

**Finance** - Thursday, June 16, 9:00 a.m., Room 424, Capitol Building (373-1758)

**Local, Urban and State Affairs** - Thursday, June 16, 1:00 p.m. or later immediately following session, Room 110, Farnum Building (373-1707)

**Senior Citizens and Veterans Affairs** - Wednesday, June 15, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 3:29 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 15, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate