

**No. 63**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Thursday, June 22, 2006.

10:00 a.m.

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

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

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

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

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

Senator Wayne Kuipers of the 30th District offered the following invocation:

Gracious God, we give You thanks for a new day. Thank You for the opportunities that You will present to us today. It is our prayer that You would help each one of us to make the most of those opportunities—opportunities to serve; opportunities to do good for others.

We pray this morning for those families who were inconvenienced by the storms last night. We know that many lost power and others may have sustained pretty significant damage to homes and businesses. We ask today that You would bless them; that You would help them; that You would strengthen and encourage them through this day.

We are also reminded this week of how close the war in Iraq is to many Michigan families. Several of our families in recent weeks and months have lost loved ones. Today we want to lift them up before You and ask for Your comfort and peace and grace to be evident in their lives. Please strengthen them and encourage them and help them to know that their sacrifices were not in vain.

We pray, too, today for those soldiers still serving. We ask that You would bless them and send Your guardian angels to protect them, to strengthen them, to give them courage and bravery, and to help them to do what is right.

We ask now for Your blessing upon this session day. May the decisions and the choices that we make today give honor to You.

We pray these things in Jesus' name. Amen.

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

### Motions and Communications

Senators McManus and Johnson entered the Senate Chamber.

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

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

**Senate Bill No. 246**

The motion prevailed.

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

**House Bill No. 6213, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

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

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

**Senate Bill No. 1289, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by repealing section 216 (MCL 330.1216).

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

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

**House Bill No. 6183**

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

The following communication was received:  
Department of Treasury

June 21, 2006

I am pleased to submit the 2005 Annual Report for the Michigan Higher Education Assistance Authority (MHEAA) and the Michigan Higher Education Student Loan Authority (MHESLA). This report, submitted in accordance with Section 390.960 of the Michigan Higher Education Assistance Authority Act, as amended, Public Act 77 of 1960, provides an overview of the activities of MHEAA and MHESLA.

This report contains highlights of the student financial aid programs administered by MHEAA and MHESLA during the 2005 fiscal year. If you have any questions concerning this report, please feel free to contact Philip Trapp, Assistant to the Director, Bureau of Student Financial Services at 517-241-0018.

Sincerely,  
Patricia W. Scott, Director  
Bureau of Student Financial Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 21:  
**House Bill Nos. 4735 4971 5872 5952 6175**

The Secretary announced that the following official bills were printed on Wednesday, June 21, and are available at the legislative website:

<b>Senate Bill Nos.</b>	<b>1315</b>	<b>1316</b>	<b>1317</b>	<b>1318</b>	<b>1319</b>	<b>1320</b>	<b>1321</b>	<b>1322</b>	<b>1323</b>					
<b>House Bill Nos.</b>	<b>6215</b>	<b>6216</b>	<b>6217</b>	<b>6218</b>	<b>6221</b>	<b>6222</b>	<b>6223</b>	<b>6224</b>	<b>6225</b>	<b>6226</b>	<b>6227</b>	<b>6228</b>	<b>6229</b>	<b>6230</b>
	<b>6231</b>	<b>6232</b>	<b>6233</b>	<b>6234</b>	<b>6235</b>									

### Messages from the Governor

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

**Senate Bill No. 272**  
**Senate Bill No. 271**  
**Senate Bill No. 264**  
**Senate Bill No. 274**  
**Senate Bill No. 281**  
**Senate Bill No. 175**  
**Senate Bill No. 236**  
**Senate Bill No. 892**  
**Senate Bill No. 893**  
**Senate Bill No. 956**  
**Senate Bill No. 957**  
**Senate Bill No. 179**  
**Senate Bill No. 1026**  
**Senate Bill No. 1027**  
**Senate Bill No. 1028**  
**Senate Bill No. 372**  
**Senate Bill No. 973**  
**Senate Bill No. 974**  
**Senate Bill No. 975**  
**Senate Bill No. 976**  
**Senate Bill No. 242**

The motion prevailed.

The following message from the Governor was received and read:

June 21, 2006

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 35 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.35:

#### **Michigan Employment Security Board of Review**

Ms. Marlene D. Jobe of 1410 John R Road, Rochester Hills, Michigan 48307, county of Oakland, succeeding Lester Owczarski, whose term has expired, representing employer interests, for a term commencing July 31, 2006 and expiring December 31, 2009.

Ms. Charlotte L. Duncil of 22400 Audrey Avenue, Warren, Michigan 48091, county of Macomb, reappointed to represent employee interests, for a term commencing expiring December 31, 2009.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

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

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

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

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

**House Bill No. 5581, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2006 PA 108.

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

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

**House Bill No. 5955, 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 1 and 3 (MCL 446.201 and 446.203), section 1 as amended by 2004 PA 585 and section 3 as amended by 2002 PA 469.

Substitute (S-1).

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

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

**House Bill No. 5956, entitled**

A bill to amend 1945 PA 231, entitled "An act to prescribe additional regulations and requirements for pawnbrokers, secondhand dealers and junk dealers; to provide for the taking of fingerprints and the making of reports to enforcement officers; to prescribe penalties for the violation of the provisions of this act; and to declare the effect of this act," by amending sections 1 and 6 (MCL 445.471 and 445.476).

Substitute (S-2).

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

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

**House Bill No. 5957, entitled**

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 1 and 3 (MCL 445.401 and 445.403).

Substitute (S-2).

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

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

**House Bill No. 5958, entitled**

A bill to amend 1981 PA 95, entitled "The precious metal and gem dealer act," by amending sections 2 and 3 (MCL 445.482 and 445.483), section 2 as amended by 1990 PA 34.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5953, entitled**

A bill to amend 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6183, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 38g, 39c, and 71 (MCL 208.38g, 208.39c, and 208.71), section 38g as amended by 2006 PA 112, section 39c as amended by 2006 PA 53, and section 71 as amended by 1999 PA 115.

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

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

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

#### **Senate Bill No. 875**

The motion prevailed.

#### **Senate Bill No. 900, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8c (MCL 125.2688c), as amended by 2003 PA 93.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

#### **Senate Bill No. 1074, entitled**

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

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. 1075, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213).

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 1078, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2006 PA 116, and section 8 as amended by 2003 PA 266, and by adding section 8e.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," (MCL 125.2681 to 125.2696) by adding section 8e.

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

**Senate Bill No. 1079, entitled**

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

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1984 PA 44, entitled "An act to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to prescribe certain powers of the governor; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I vapor-recovery systems at certain facilities; to provide for fees; to make appropriations; and to provide remedies and prescribe fines and penalties," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2, 3, and 5 as amended by 2006 PA 104, section 4a as amended by 2002 PA 425, section 6 as amended by 2004 PA 278, and section 7 as amended by 1993 PA 236.

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

**House Bill No. 5752, entitled**

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

The House of Representatives has substituted (H-4) the Senate substitute (S-2).

The House of Representatives has concurred in the Senate substitute (S-2) as substituted (H-4) and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2005 PA 275.

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

**Senate Bill No. 693, entitled**

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 3 (MCL 213.23).

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House, Senator Brown offered the following substitute to the House substitute:

Substitute (S-6).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 530****Yeas—33**

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

**Nays—4**

Brater	Clark-Coleman	Clarke	Scott
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**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

The motion prevailed.

Senator Brown's statement is as follows:

One year ago tomorrow, the United States Supreme Court made the surprise ruling of *Kelo v City of New London*, a ruling that allowed units of government to take private property for private economic development or use. This ruling has been much discussed in the court of public opinion. While the U.S. Supreme Court ruled in a manner contrary to recent Michigan Supreme Court adjudication, the court did allow for state governments to pass more restrictive measures to protect against the very thing they allowed in their *Kelo* ruling. Senate Bill No. 693 does just that. It codifies in statutory law what our own Michigan court has so appropriately ruled. That is, private property cannot be taken for economic development use.

To guard against such action ever happening here in Michigan under some other Michigan Supreme Court configuration, the substitute before you will codify in statute the Michigan Supreme Court's 2004 *Wayne Co. v Hathcock* decision, which identifies the very limited circumstances in which a taking of private property for private use is acceptable. It also places the burden of proving a public use for such a taking upon the condemning authority.

Mr. President, I applaud the committee chair from the 25th District for his work on this issue, the sponsor of the constitutional amendment from the 36th District, and the Michigan House of Representatives who worked diligently to define the parameters for blighted property.

I ask for your support of the substitute and the bill.

**Senate Bill No. 1105, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502, 43505, 43506, 43517, 43520, and 43525 (MCL 324.43502, 324.43505, 324.43506, 324.43517, 324.43520,

and 324.43525), sections 43502, 43505, 43506, and 43525 as amended by 1996 PA 585 and sections 43517 and 43520 as added by 1995 PA 57.

Substitute (H-2).

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

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

**Roll Call No. 531**

**Yeas—28**

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

**Nays—9**

Brater	Jacobs	Olshove	Switalski
Clark-Coleman	Johnson	Scott	Whitmer
Emerson			

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Switalski's statement is as follows:

This bill sets a new minimum age for hunters at age 10. I believe that age 10 is too young.

**Third Reading of Bills**

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

**House Bill No. 6183**

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. 1290**

**Senate Bill No. 1284**

**House Bill No. 5056**

**Senate Bill No. 65**

**Senate Bill No. 1305**

**House Bill No. 6069**

**House Bill No. 6183**

**House Bill No. 5060**

**House Bill No. 5817**

**House Bill No. 5818**

**House Bill No. 5819**

The motion prevailed.

Senators Johnson, Prusi, Goschka and Sikkema asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Johnson's statement is as follows:

I rise to say a fond farewell for someone who has worked for us for 18 years. He's with the Senate Fiscal Agency. He has been our right and left arm for just about every member who serves on Appropriations—Mike Hansen. I know that everybody knows Mike. In fact, Senator Emerson you might want to join us, as would Senator Sikkema, because Mike has helped all of us. He's a man with great integrity. He's a lot of fun to work with; someone you can trust, both sides of the aisle. You're going to get the answer you need and you are going to get a full answer, even if you don't like it. You are going to get the information you need to proceed. That's been Mike Hansen in my office on a regular basis.

This morning the Capital Outlay Subcommittee had a little farewell for Mike and we purchased for him a large cake that said "Good Luck," and then we gave him this little bitty cupcake. We wanted him to see the analogy between the large cake and the little bitty cupcake. Now the large cake is the power that he currently has around here and the influence that he has and the ability to work with all of us and be on the floor—all those good things. Now he's going to be that little cupcake coming around to lobby us, stuck out there.

Mike is going to go, and is going to, represent all of our community colleges and they are going to be represented well for the first time in a long time. I think we all agree with that one. I know Mike Prusi would like to say a few words on behalf of the minority caucus.

Again, Mike, thank you for your years of service with us. You're a great guy. Thanks.

Senator Prusi's statement is as follows:

Just on behalf of the Democratic side of the Appropriations Committee and the Joint Capital Outlay Subcommittee, I'd like to thank Mike for all of his hard work through the years as well. I think it's a true measure of the esteem and respect that we hold him in that both sides of the aisle feel comfortable working with Mike. When he analyzes an issue for us and brings it forward, there is never a hint of partisanship. He's always done his job on a very level, fair, and measured manner. We're going to miss him. I know he's got a great replacement in the wing who has worked for the Fiscal Agency for a long time as well, but Bill is going to have to sharpen up his sense of humor and tell as many good jokes as Mike does.

Mike, we're going to miss you, and we certainly wish you well and look forward to working with you in your new capacity.

Senator Goschka's statement is as follows:

I, too, want to rise and speak very good words regarding my friend and our friend and a real public servant in Mike Hansen. I have always appreciated, and I know the members have always appreciated, the way he has always come to all of us. He always has his ducks in a row. He knows the issues well. He will tell us directly if there are any issues of concern, whether or not a school has followed all the prerequisites or if there is an issue that is going to come up in committee.

Mike Hansen is one of those people whom you can really look at and know that he is a person of real integrity, real character. We have appreciated him. I think it is easy for all of us at times to take the Fiscal Agency for granted. You think of all the employees there—people we call often and ask for various figures, numbers, and percentages. Really, they work tirelessly even when we aren't working on budgets, as busy we are, they are cranking out paperwork, staying up all night on many occasions. LSB does the same thing, frankly. I agree with Shirley Johnson, chairman of the Senate Appropriations Committee and Senator Prusi as well. Mike Hansen is one of those people we have always counted on. He's a dear friend.

We probably won't miss him entirely in the sense that he is going to remain in this town working on behalf of community colleges. I really believe that in Mike Hansen they have a gold mine, someone who will work tirelessly for them. In the big picture of higher education and community colleges, I think it is a positive step for the state of Michigan, and Mike Hansen has made this a better place.

I congratulate you, Mike, and thank you for your hard work.

Senator Sikkema's statement is as follows:

I want to join the people who have spoken previously to congratulate Mike and thank him for his public service. I think all the speakers previous to me have said it entirely right. He's been a tremendous asset to this body. He has served us well, and through us, he's served the people of Michigan well. I congratulate him on his new venture. When Senator Johnson said that he'll always tell you what is right even if you didn't like it, I think she was talking about me. I didn't like a lot of the things he told me, but he was always accurate, honest, and forthright with his analysis and advice, and this body will surely miss him.

The following bill was read a third time:

**Senate Bill No. 1290, entitled**

A bill to provide for the certification of driver education providers; to prescribe certain record-keeping and program requirements for driver education providers; to provide for the certification of driver education instructors; to prescribe the powers and duties of certain persons and departments; to prescribe certain fees; to establish a fund in the state treasury; to prescribe remedies, sanctions, and penalties; and to repeal acts, administrative rules, and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 532**

**Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1284, 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 9 (MCL 207.559), as amended by 2006 PA 22.

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. 533**

**Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5056, entitled**

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 4 (MCL 125.1654), as amended by 2005 PA 115.

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. 534****Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0****Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**Senate Bill No. 65, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj.

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. 535****Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1305, entitled**

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” (MCL 37.2101 to 37.2804) by adding section 404a.

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. 536****Yeas—32**

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

**Nays—5**

Brater	Patterson	Toy	Whitmer
Jacobs			

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6069, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1225 (MCL 380.1225), as amended by 2002 PA 246.

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. 537**

**Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6183, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 38g, 39c, and 71 (MCL 208.38g, 208.39c, and 208.71), section 38g as amended by 2006 PA 112, section 39c as amended by 2006 PA 53, and section 71 as amended by 1999 PA 115.

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. 538****Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0****Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5060, entitled**

A bill to amend 1911 PA 149, entitled “An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms “public corporations,” “state agencies” and “private property” as used herein,” by amending section 3 (MCL 213.23).

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. 539****Yeas—33**

Allen	Emerson	Jelinek	Schauer
Barcia	Garcia	Johnson	Sikkema
Basham	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski

Bishop  
Brown  
Cassis  
Cherry  
Cropsey

Goschka  
Hammerstrom  
Hardiman  
Jacobs

Olshove  
Patterson  
Prusi  
Sanborn

Thomas  
Toy  
Van Woerkom  
Whitmer

**Nays—4**

Brater

Clark-Coleman

Clarke

Scott

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5060 and 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 is as follows:

I just wanted to note that I had a concern about this bill the first time around. I don’t feel that much better about what possible unintended consequences might be for communities that are trying to develop or redevelop parcels for good public purpose. For example, affordable housing. If you wanted to take a blighted parcel and condemn the property and turn it over to a private developer, it might be impossible under the procedure that we are adopting here.

So I want to make sure that doesn’t happen. In my communities that I represent, there are many local efforts to provide affordable housing and commercial uses and other things that might be beneficial to the community and have a good public purpose.

The following bill was read a third time:

**House Bill No. 5817, entitled**

A bill to amend 1965 PA 40, entitled “An act to authorize and require public agencies to pay allowances for the expense of moving personal property from real property acquired for public purposes,” by amending section 2 (MCL 213.352), as amended by 1991 PA 21.

The question being on the passage of the bill,

Senator Gilbert offered the following amendment:

1. Amend page 2, line 12, after “~~payment~~” by inserting “**EXCEPT AS PROVIDED IN SECTION 9 OF THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.59,**”.

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. 540****Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0****Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

The House of Representatives requested the return of  
**House Bill No. 6213, entitled**

A bill to amend 1964 PA 154, entitled “Minimum wage law of 1964,” by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

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

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

The following bill was read a third time:

**House Bill No. 5818, entitled**

A bill to amend 1980 PA 87, entitled “The uniform condemnation procedures act,” by amending section 16 (MCL 213.66), as amended by 1996 PA 474.

The question being on the passage of the bill,

Senator Gilbert offered the following amendments:

1. Amend page 3, line 14, after “**THAT**” by striking out “**THE INDIGENT PERSON HAD**” and inserting “**THERE WAS**”.

2. Amend page 3, line 19, after “**SERVICES.**” by inserting “**THIS SUBSECTION DOES NOT APPLY AFTER DECEMBER 31, 2007.**”.

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

Senator Thomas offered the following amendments:

1. Amend page 3, line 12, after “**ATTORNEY**” by striking out “**OR**” and inserting “**AND**”.

2. Amend page 3, line 16, after “**USE.**” by inserting “**THIS SUBSECTION DOES NOT AFFECT THE RIGHT OF AN INDIGENT PERSON WHO SUCCESSFULLY CHALLENGES THE AGENCY’S RIGHT TO ACQUIRE THE PROPERTY TO RECOVER ATTORNEY FEES, ORDINARY OR EXPERT WITNESS FEES, AND OTHER EXPENSES INCURRED IN DEFENDING AGAINST THE IMPROPER ACQUISITION, AS AUTHORIZED BY SUBSECTIONS (1) TO (5).**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 541**

**Yeas—37**

Allen	Clarke	Jacobs	Schauer
Barcia	Cropsey	Jelinek	Scott
Basham	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	Hardiman	Sanborn	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Leland

**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide procedures for the condemnation, acquisition, or exercise of eminent domain of real or personal property by public agencies or private agencies; to provide for an agency’s entry upon land for certain purposes; to provide for damages; to prescribe remedies; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 71**

The motion prevailed.

Senator Basham offered the following resolution:

**Senate Resolution No. 152.**

A resolution to memorialize Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015.

Whereas, Each year more than 1.4 million Americans are diagnosed with cancer. One out of every two men and one out of every three women will be diagnosed with cancer in their lifetimes. In 1971, Congress began the battle against cancer with enactment of the National Cancer Act and creation of the National Cancer Institute within the National Institutes of Health. The foundation laid by their foresight puts the nation in position to aggressively enter the final stages of the fight against cancer. Sixty designated cancer research centers have been established across the country by the National Cancer Institute. These centers have the capacity to share knowledge with each other and solve problems in real time through advances in computer technology as well as work collaboratively with researchers in other disciplines, such as engineering, to develop the technologies needed to fight cancer; and

Whereas, Scientific research on the human genome and proteins have led to breakthroughs in our understanding of the molecular changes that cause cancer and differences between the same cancers in different patients. This understanding makes it possible to design therapies that target the cancer and bypass healthy tissues that will eliminate the suffering caused by collateral damage to normal tissues from chemotherapy and radiation treatment. Therapies can also be modified to account for the cancer's response to a given treatment in individual patients. Doctors believe it is within their grasp to cure or manage cancer similar to other chronic diseases that a person can live with and not necessarily die from; and

Whereas, Concurrent advances in imaging technologies and knowledge networking mean scientists and doctors will be able to see and assess the impact of treatment within days and not have to wait months or years to know the outcome. Imaging technologies now show not only the physical size, shape, and location of cancer tissue, but can also show the function of the tissue. Thus, doctors may apply a treatment targeting the abnormal cells that make up the cancer tissue and be able to see within 24 to 48 hours whether the treatment is altering function in the expected way. Knowledge networking through computers in real time means scientists and doctors working across the country at the 60 centers sponsored by the National Cancer Institute can share what they have learned. This will be particularly valuable with rare forms of cancer as doctors will pool their experience with patients being treated in different centers; and

Whereas, Tremendous advances in the treatment and cure of cancer have been achieved in the past 35 years, and this nation has never shied away from bold goals to advance science and technology. The director of the National Cancer Institute has shown great leadership, enthusiasm, and optimism for being able to harness what we know and catapult the scientific and clinical communities forward through the final stage of the battle against cancer; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Barcia, Birkholz, Brater, Clark-Coleman, Clarke, George, Goschka, Hammerstrom, Jacobs, Olshove, Scott and Switalski were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senator Kuipers introduced

**Senate Bill No. 1326, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 2 and 698 (MCL 257.2 and 257.698), section 2 as amended by 2004 PA 19 and section 698 as amended by 1998 PA 247.

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

Senator Kuipers introduced

**Senate Bill No. 1327, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1532 (MCL 380.1532), as amended by 1995 PA 289.

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

Senators Jelinek, Schauer and Van Woerkom introduced

**Senate Bill No. 1328, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

Senators Thomas, Scott, Cherry, Olshove, Brater, Whitmer, Clark-Coleman, Basham, Prusi, Jacobs, Switalski, Schauer, Barcia and Clarke introduced

**Senate Bill No. 1329, entitled**

A bill to provide a retirement system to increase access to retirement plans for small business employees; and to provide certain duties of certain state agencies.

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

Senators Clarke, Clark-Coleman, Jacobs, Basham, Johnson, Cassis, Toy, Bishop, Kuipers, McManus, George, Scott, Van Woerkom, Hardiman and Schauer introduced

**Senate Bill No. 1330, entitled**

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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

Senators Clark-Coleman, Clarke, Jacobs, Basham, Cassis, Johnson, Toy, Bishop, Kuipers, McManus, George, Scott, Van Woerkom, Hardiman and Schauer introduced

**Senate Bill No. 1331, entitled**

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 2002 PA 718.

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

**House Bill No. 4735, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," (MCL 38.1601 to 38.1648) by adding section 41a.

The House of Representatives has passed the bill.

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

**House Bill No. 4971, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 32.

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 Finance.

**House Bill No. 5872, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20120e.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 5952, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by repealing section 124 (MCL 207.1124).

The House of Representatives has passed the bill.

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

**House Bill No. 6175, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 17 (MCL 492.117).

The House of Representatives has passed the bill.

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

**Statements**

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

On my way into work this morning, I was listening to one of the radio talk shows and then when I got here to work, I read a couple of the morning newspapers. On the radio talk show this morning, it talked about a Supreme Court decision that was issued yesterday on some definitions dealing with marijuana use and whether or not it was the right thing. The talk show host was, I thought, taking the Supreme Court to task in a way. One of the things that I think every news story that I have seen, and certainly this morning on the part I listened to on the radio, there was nothing said about what, in fact, the situation was and who the victims were.

Before I go into that in a little bit, as we all know, whenever we ingest substances, our digestive system breaks them down, such as when we take medicines, and separates the various components. The bloodstream absorbs the nutrients or chemicals and distributes the substance throughout the body. The same is true when we inhale certain substances, such as cigarette smoke or marijuana. The body then metabolizes, or breaks down, the substance over time. And that’s why we have to regularly take medication and why we regularly have to eat, and it’s why people who smoke marijuana don’t just smoke once in their lives. In a nutshell, the court ruled that the substances resulting from metabolism indicate that marijuana was indeed in the body and the law was broken.

What all of the media reports I have heard and read failed to do is to report the fact scenario that led to the two court decisions that were combined. Reading from the decision, this is what it said “defendant Delores Marie Derror”—by the way, this was up in the Traverse City area—“was driving eastbound on a snow and slush-covered M-72 at approximately 6:00 p.m. on a snowy January 11, 2004, when she crossed into oncoming traffic and collided with another vehicle.” The front-seat passenger of the other vehicle was killed. Also two children were paralyzed in the rear seat, and a third child was injured. Police found five marijuana cigarettes in the driver’s purse. She admitted to smoking one marijuana joint about four hours earlier.

In the other case—this was from the Jackson County area—the driver “was stopped at approximately 9:00 p.m. for driving erratically. The officer smelled the odor of alcohol on the defendant. The defendant had glassy, bloodshot eyes.” The defendant admitted to smoking marijuana about a half hour earlier. He also claimed he only had two beers. It was the defendant’s third impaired-driving conviction, as well as being convicted for driving without a license.

There are three points that I think we ought to make. First of all, we often hear that drugs are nonviolent or victimless crimes. Today, we have a young lady dead and buried long before she should have been; a now 12-year-old girl permanently paralyzed from the waist down; we have a 13-year-old girl permanently paralyzed from the chest down; and we have a 6-year-old girl who suffered a broken neck and a broken jaw. Why? Because of impaired driving after smoking what the defendant claimed was just one marijuana joint. When you hear that doing drugs is a victimless crime, remember these girls.

Secondly, the lady who killed the adult and crippled two children for life claims she only smoked one joint four hours earlier. Some of you have talked to me about medical marijuana, which I believe is an oxymoron. These cases point out that smoking pot rendered this person dangerous on the road even though they claimed it was only one cigarette. Given that marijuana can be in one’s system for several weeks, as even advocates admit, marijuana for pain relief is a very serious topic that needs serious research because the consequences to others can be so very serious.

And third, you’ve heard me repeatedly talk about public safety and the need to address root causes of crime, such as substance abuse. The other offender in this decision was a habitual drunk driver, driving without a license. People who abuse substances don’t need excuses and they don’t need high-priced lawyers to take their case all the way to the Supreme Court. What they need is professional help in overcoming their addictions. And as any professional will tell you, the first step is admitting that you have a problem.

Senator Scott’s statement is as follows:

I just want to remind my colleagues that it is certainly time for us to do something about insurance to make it affordable for all people in this state. We need to stop having people breaking the law by using addresses outside of

where they live. Because people don't have insurance, when they have an accident, the other person's rates go up. So I would hope that my colleagues would soon decide to do something about fair insurance rates for this whole state.

I do have a bill for a task force for the Governor to make these appointments to the task force, and it would be great if we could do this over the summer so that when we come back during the winter months, we can really be serious about doing something about affordable insurance.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

### **Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:25 a.m.

1:45 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

### **House Bill No. 6213, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

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

### **Committee Reports**

The Committee on Judiciary reported

#### **Senate Bill No. 701, entitled**

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 8 (MCL 28.258), as amended by 2002 PA 718.

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

The Committee on Judiciary reported

#### **House Bill No. 5800, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20i.

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Schauer and Whitmer

Nays: Senators Patterson and Brater

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

The Committee on Judiciary reported

**House Bill No. 5836, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2652, 2653, 2655, 2658, 2663, 2851, 2855, and 10108 (MCL 333.2652, 333.2653, 333.2655, 333.2658, 333.2663, 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; 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.

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4870, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1104 and 3614 (MCL 700.1104 and 700.3614), section 1104 as amended by 2005 PA 204 and section 3614 as amended by 2004 PA 343, and by adding sections 3206, 3207, and 3208.

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

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Whitmer and Brater

Nays: None

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

The Committee on Finance reported

**House Bill No. 6183, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 38g, 39c, and 71 (MCL 208.38g, 208.39c, and 208.71), section 38g as amended by 2006 PA 112, section 39c as amended by 2006 PA 53, and section 71 as amended by 1999 PA 115.

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, McManus, Thomas and Brater

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 Wednesday, June 21, 2006, at 12:07 p.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:

Meeting held on Wednesday, June 21, 2006, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Sikkema (C), Allen, Hammerstrom and Schauer

Absent: Senators Patterson and Emerson

**Scheduled Meetings**

**Economic Development, Small Business and Regulatory Reform** - Thursday, June 29, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-7670)

**Local, Urban and State Affairs** - Thursday, June 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Schauer moved that the Senate adjourn.  
The motion prevailed, the time being 1:46 p.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, June 27, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate