

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Thursday, November 6, 2003.

10:00 a.m.

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

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

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

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

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

Senator Laura M. Toy of the 6th District offered the following invocation:

Dear Lord, please bless the Senate body with wisdom, good judgment, and the spirit of cooperation as we undertake the privilege of lawmaking for the citizens of this great state. As we celebrate Veterans Day next week, let us remember and honor all of our noble and brave veterans to whom we owe the freedoms and blessings our nation enjoys today. Let us also keep in our thoughts and prayers the men and women of our military who are currently defending our peace and securing peace for the citizens of the world. As the 92nd Legislature forges ahead, may we continue to build a legacy of service, compassion, and justice. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senators Gilbert and McManus entered the Senate Chamber.

Senator Hammerstrom moved that Senators Johnson, Goschka and Garcia be temporarily excused from today's session. The motion prevailed.

Senator Goschka entered the Senate Chamber.

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

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

The Associate President pro tempore, Senator Barcia, assumed the Chair.

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. 805**

**Senate Bill No. 806**

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

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

November 5, 2003

Pursuant to Senate Concurrent Resolution 36, the following individuals are appointed to the family resource center curriculum joint study committee. Please see the attached list for the appointments.

**Senate Members**

Senator Ron Jelinek, Co-chair  
Senator Cameron Brown  
Senator Martha Scott

**House Members**

Representative Bruce Caswell, Co-chair  
Representative Mike Nofs  
Representative Andy Meisner

**Michigan Association of Adult & Community Education**

Patrick Shafer, Executive Director

**State Director of Adult Education**

Dianne Duthie

**Adult Education Program Directors**

Gary Tweddle, Adult Education  
Tom Johnson, Iron Mountain/Kingsford Adult Education  
Myrna Stevenson, Community Programs

**Michigan Works! Association**

Linda Kinney, Executive Director

**Michigan Works! Program Directors**

Christine Quinn, South Central Michigan Works!  
John (Jack) O'Reilly, SEMCA Michigan Works!  
Charles W. McCallum, Berrien, Cass, Van Buren Michigan Works!

Respectfully,

Ken Sikkema

Senate Majority Leader

Rick Johnson

Speaker of the House

The select committee appointments were approved, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, November 5:

**House Bill Nos. 4276 5104 5190**

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, November 5:

**Senate Bill Nos. 819 825 826 827**

**House Bill Nos. 5221 5222 5223 5224 5225 5226 5227 5228 5229 5230 5231 5232 5233 5234  
5235 5236 5237 5238 5239 5240 5241 5242 5243 5244 5245 5246 5247 5248  
5249 5250**

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Patterson admittance to the Senate floor.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Senators Jelinek, Thomas, Johnson, Garcia and Clarke entered the Senate Chamber.

### Recess

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

The motion prevailed, the time being 10:05 a.m.

10:10 a.m.

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

During the recess, Senator Patterson introduced to the Senate the Grosse Ile High School Boys Golf Team, Division 3 State Champions, and coaches Jim Bennett and Richard Spratt, and presented them with a Special Tribute.

Head Coach Jim Bennett responded briefly.

By unanimous consent the Senate proceeded to the order of

### Messages from the House

Senator Bernero entered the Senate Chamber.

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

**Senate Bill No. 352**

The motion prevailed.

#### **Senate Bill No. 770, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a.

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 Senators 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. 493, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2000 PA 432.

(This bill was returned from the House without amendment on October 23 and the recommendation for immediate effect postponed. See Senate Journal No. 89, p. 1914.)

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the Senators 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. 494, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as added by 1982 PA 395.

(This bill was returned from the House without amendment on October 23 and the recommendation for immediate effect postponed. See Senate Journal No. 89, p. 1915.)

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the Senators 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. 495, entitled**

A bill to amend 1973 PA 43, entitled "An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties," by amending section 1 (MCL 400.171).

(This bill was returned from the House without amendment on October 23 and the recommendation for immediate effect postponed. See Senate Journal No. 89, p. 1915.)

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

**Senate Bill No. 496, entitled**

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

(This bill was returned from the House without amendment on October 23 and the recommendation for immediate effect postponed. See Senate Journal No. 89, p. 1915.)

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

By unanimous consent the Senate proceeded to the order of

**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 Assistant President pro tempore, Senator Sanborn, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 637, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

Substitute (S-2).

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

1. Amend page 2, line 10, after "days" by inserting "**but only if the minor has been found by the court to have violated an order of probation for that conviction or juvenile adjudication**".

2. Amend page 2, line 21, after "than" by striking out "**90 days**" and inserting "**60 days but only if the minor has been found by the court to have violated an order of probation for that conviction or juvenile adjudication**".

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

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

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

- House Bill No. 4263**
- Senate Bill No. 700**
- House Bill No. 4518**
- House Bill No. 4660**
- House Bill No. 4283**
- House Bill No. 5054**
- House Bill No. 4950**
- House Bill No. 4695**
- House Bill No. 4698**
- House Bill No. 4699**
- House Bill No. 4613**
- House Bill No. 4938**
- House Bill No. 5156**
- Senate Bill No. 787**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4263, entitled**

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects,” by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

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. 526**

**Yeas—36**

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

**Nays—0**

**Excused—1**

**Not Voting—1**

Basham

In The Chair: Sanborn

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

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.

Senator Basham entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 700, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 89a (MCL 211.89a), as added by 1994 PA 189, and by adding section 89b.

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. 527****Yeas—37**

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

**Nays—0****Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4518, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20919 (MCL 333.20919), as amended by 2000 PA 375.

The question being on the passage of the bill,

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

**Roll Call No. 528**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4660, entitled**

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to

create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.10cc) by adding section 9c.

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. 529****Yeas—37**

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

**Nays—0****Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

The following bill was read a third time:

**House Bill No. 4283, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 314a.

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. 530****Yeas—37**

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



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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5054, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1117 (MCL 339.1117), as amended by 1984 PA 25.

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. 531**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4950, entitled**

A bill to amend 1947 PA 359, entitled “The charter township act,” (MCL 42.1 to 42.34) by adding section 10a.

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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4695, entitled**

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 12a (MCL 46.12a), as amended by 2002 PA 730.

The question being on the passage of the bill,

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

**Roll Call No. 533**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—2**

Emerson

Johnson

In The Chair: Sanborn

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4698, entitled**

A bill to amend 1978 PA 322, entitled “An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair

discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties,” by amending sections 2 and 3 (MCL 488.2 and 488.3).

The question being on the passage of the bill,

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

**Roll Call No. 534**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4699, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 36 (MCL 492.136).

The question being on the passage of the bill,

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

**Roll Call No. 535**

**Yeas—37**

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

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom

McManus  
Olshove  
Patterson

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

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

“An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4613, entitled**

A bill to amend 2001 PA 181, entitled “An act to authorize the board of a school district to award high school diplomas to World War II veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials,” by amending the title and section 1 (MCL 35.341).

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—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

The following bill was read a third time:

**House Bill No. 4938, entitled**

A bill to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 537**

**Yeas—36**

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

**Nays—1**

Sanborn

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

The following bill was read a third time:

**House Bill No. 5156, entitled**

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 36a.

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—36**

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

**Nays—1**

Sanborn

**Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

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

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 787, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 1997 PA 180.

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—37**

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

**Nays—0****Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

**Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:05 a.m.

11:12 a.m.

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

By unanimous consent the Senate returned to the order of

**General Orders**

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 805, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

Substitute (S-2).



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

1. Amend page 2, line 3, after “~~\$20,000,000.00~~” by striking out “~~\$80,000,000.00~~” and inserting “\$75,000,000.00”.
2. Amend page 2, line 9, after “**than**” by striking out “\$40,000,000.00” and inserting “\$37,500,000.00”.
3. Amend page 2, line 10, after “**than**” by striking out “\$40,000,000.00” and inserting “\$37,500,000.00”.
4. Amend page 3, line 27, after “19607(1)(a),” by striking out the balance of the line through “\$60,000,000.00” on line 1 of page 4 and inserting “\$93,000,000.00”.

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. 806, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 19608a.

Substitute (S-1).

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

1. Amend page 2, line 1, after “**within**” by striking out “60” and inserting “90”.
2. Amend page 4, line 2, after “**activities**” by striking out the balance of the line through “125.2672” on line 3.

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 805**

**Senate Bill No. 806**

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

The following bill was read a third time:

**Senate Bill No. 805, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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

**Nays—0**

**Excused—1**

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 806, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 19608a.

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

**Nays—0****Excused—1**

Prusi

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

**Resolutions**

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

**Senate Resolution No. 141****Senate Resolution No. 175**

The motion prevailed.

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

**Senate Resolution No. 195**

The resolution consent calendar was adopted.

Senator Sikkema offered the following resolution:

**Senate Resolution No. 195.**

A resolution honoring Mike Ilitch upon his induction into the Hockey Hall of Fame Class of 2003.

Whereas, Mike Ilitch became the owner of the Detroit Red Wings on June 22, 1982, and the owner of the Detroit Tigers in 1992; and

Whereas, Under his leadership, Mike transformed the once-struggling Red Wings into one of the most successful clubs in the National Hockey League; and

Whereas, The Detroit Red Wings have won five Western Conference regular-season championships and ten division championships; and

Whereas, The Detroit Red Wings have played in four Stanley Cup finals and have brought great pride to the people of the state of Michigan by capturing hockey's most coveted prize—the Stanley Cup—in 1997, 1998, and 2002; and

Whereas, Mike Ilitch has been presented three President's Trophies, which is given to the team with the best regular-season record in the National Hockey League; and

Whereas, Mike has been awarded the Lester Patrick Trophy for outstanding service to United States hockey; and

Whereas, Mr. Ilitch received presidential citations from the administrations of Presidents Reagan, Bush, and Clinton; and

Whereas, Mike and Marian Ilitch founded Little Caesars Pizza in 1959, which has become the world's foremost take-out pizza chain, known across the United States and Canada; and

Whereas, By donating millions of dollars to charitable organizations, providing amateur sports sponsorships for hundreds of thousands of children, and devoting thousands of hours of their time to charitable and community organizations, Mike and Marian Ilitch have lived by their philosophy of giving back to the community that has supported them; and

Whereas, On November 3, 2003, Mike Ilitch received the greatest honor the game of hockey has to bestow by being inducted into the Hockey Hall of Fame in the builder category. It is because of Mike's coaching, managerial and executive ability, sportsmanship, character, and his contribution to the Red Wings organization and to the game of hockey that this honor is so richly deserved; now, therefore, be it

Resolved by the Senate, That the members of this legislative body offer our congratulations to Mike Ilitch on this most praiseworthy honor and thank him for his immense contribution to the citizens of this great state of Michigan. May he, his wife Marian, and his family know of our admiration and warmest wishes for continued success; and be it further

Resolved, That a copy of this resolution be transmitted to Mike Ilitch as evidence of our highest esteem.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Kuipers, Garcia, Van Woerkom, Cassis, Bishop, Bernero, Leland and Clark-Coleman offered the following resolution:

**Senate Resolution No. 194.**

A resolution to urge the Michigan Education Alliance to study the issue of replacing the MEAP test with an alternative.

Whereas, For a variety of reasons, including recent problems in the processing of the test, concerns over cost, and the state's commitment to finding the best ways to monitor progress and encourage excellence in our schools, the Michigan education community is strongly considering a new strategy for assessing high school academic performance; and

Whereas, The Michigan Association of Secondary School Principals has proposed replacing the MEAP-HST with a test, to be called the Michigan Merit Exam, that would be comprised of two widely used and trusted assessment instruments, the ACT and WorkKeys examinations. The ACT is the most accepted college admissions test in Michigan, and WorkKeys is a respected assessment vehicle developed for the business community; and

Whereas, A key step in establishing a new approach to testing our students will be a comprehensive review to assure that appropriate standards for measuring achievement are in place, including yearly achievement in compliance with the federal No Child Left Behind Act; to assure alignment with Michigan content standards and benchmarks; to assure requirements of Education YES! are fulfilled; to assure that parents, students, and educators receive results in a timely manner; to assure that professional standards, including technical manuals, are in place; to assure that the changeover year (the graduation class of 2006) does not bring a notable change in the number of Merit Scholarships; and to assure that overall costs are reduced; and

Whereas, The Michigan Education Alliance includes education professionals with a strong commitment to the development of the best possible tool for assessing the progress of our students and schools and with excellent credentials to address this issue thoroughly. The Michigan Education Alliance is comprised of the following entities:

Michigan Association of School Boards (MASB)

Michigan Education Association (MEA)

Middle Cities Education Association (MCEA)

Michigan Association of Secondary School Principals (MASSP)  
Michigan Association of Intermediate School Administrators (MAISA)  
Michigan Association of School Administrators (MASA)  
Michigan Parent Teacher Association (MPTA)  
Michigan Elementary and Middle School Principals Association (MEMSPA)  
Michigan School Business Officials (MSBO)  
Michigan Federation of Teachers & School Related Personnel (MFT & SRP)  
Michigan Business Leaders for Education Excellence (MBLEE)  
Presidents Council, State Universities of Michigan  
Michigan Association of Public School Academies (MAPSA)  
Michigan Association of Non-Public Schools (MANS)  
Association of Independent Colleges & Universities of Michigan (AICUM)  
Michigan Community College Association (MCCA)  
Michigan State University College of Education, K-12 Outreach

; and

Whereas, A thorough review by the Michigan Education Alliance will be vital to the success of any new education assessment venture in our state; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Education Alliance to study the issue of replacing the MEAP test with an alternative. We urge that the findings and recommendations of the Michigan Education Alliance be reported back to a joint meeting of the Michigan Senate Education Committee and the House Education Committee no later than January 31, 2004; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Education Alliance.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Hardiman, Jelinek and Switalski were named co-sponsors of the resolution.

### **House Concurrent Resolution No. 33.**

A concurrent resolution to urge the President of the United States and the Prime Minister of Canada to present a formal request to the International Joint Commission to examine the matter of invasive species within the Great Lakes basin.

Whereas, The protection, conservation, and use of the aquatic ecosystem formed by the Great Lakes basin are responsibilities shared by the United States and Canada, the eight Great Lakes states, two Canadian provinces, and the many cities that dot the shoreline. As the only state or province located entirely within the basin, Michigan has unsurpassed interest in protecting the Great Lakes from the onslaught of invasive species; and

Whereas, The Boundary Waters Treaty of 1909 established the six-member International Joint Commission (IJC) and gave it numerous powers. Among these powers is the authority to engage in joint fact finding on matters concerning boundary waters, especially within the Great Lakes basin, the largest boundary water system shared by our two countries. The United States and Canada have taken further joint actions to restore and maintain the waters of the Great Lakes through the Great Lakes Water Quality Agreement of 1972 and its subsequent protocols and annexes. The agreement requires the IJC to provide assistance in this work; and

Whereas, The IJC is a science-based organization that works to address key problems facing the Great Lakes ecosystem. The IJC was specifically established to address such problems as the threat posed by invasive species; and

Whereas, Invasive species are a form of biological pollution that clearly threatens the integrity of the Great Lakes basin ecosystem. Non-native species constitute the number one threat to aquatic biodiversity. Well over 150 exotic species are now established in the Great Lakes, and new invaders are being discovered at a rate of one every eight months. The damage done to the region of the Great Lakes is staggering and includes serious harm done to both to the economy and the ecology; and

Whereas, Ballast water discharges are the primary source of invasive species introduced into the Great Lakes. The regulation of navigation and international commerce are the exclusive jurisdictions of the federal governments of the United States and Canada; and

Whereas, Many people and organizations in the Great Lakes basin have urged the governments of the United States and Canada to refer the matter of invasive species to the International Joint Commission for investigation and to recommend actions and coordinate policies to prevent further introductions of invasive species; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President of the United States and the Prime Minister of Canada to present a formal request to the International Joint Commission to examine the matter of invasive species within the Great Lakes basin. We urge that the request ask that the commission's study be

comprehensive and include a reference to coordinate and harmonize binational efforts for action to stop this ongoing threat to the economy and the biological integrity of the Great Lakes regarding ballast water issues. We also call on the President of the United States and the Prime Minister of Canada to work to provide appropriate financial support for the International Joint Commission's efforts to deal with invasive species within the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Prime Minister of Canada, the United States Secretary of State, the Canadian Minister for Foreign Affairs, and the International Joint Commission.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Basham, Cropsey, Goschka, Kuipers, Olshove, Patterson, Sanborn, Switalski and Van Woerkom were named co-sponsors of the concurrent resolution.

#### **Senate Concurrent Resolution No. 11.**

A concurrent resolution to memorialize the Congress of the United States and the Environmental Protection Agency to repeal a certain regulation that provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act.

(For text of resolution, see Senate Journal No. 22, p. 241.)

The House of Representatives has adopted the concurrent resolution and named Reps. Hager, Law, Spade, Anderson, Bradstreet, Brandenburg, Casperson, Caswell, DeRossett, Farhat, Julian, Kooiman, LaSata, Meyer, Newell, Pastor, Richardville, Sheltroun, Stakoe, Tabor, Taub, Vander Veen, Voorhees, LaJoy, Garfield, Howell, Huizenga, Kolb, Vagnozzi and Walker as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

#### **Senate Concurrent Resolution No. 13.**

A concurrent resolution to memorialize the Congress of the United States to fund fully the Great Lakes Legacy Act and to urge the United States Environmental Protection Agency, the Michigan Department of Environmental Quality, and other parties to make every effort to expedite cleanup efforts in Michigan's designated Areas of Concern.

(For text of resolution, see Senate Journal No. 27, p. 309.)

The House of Representatives has adopted the concurrent resolution and named Reps. Bieda, Daniels, Dennis, Plakas, Tobocman, Vagnozzi, Acciavatti, Brown, Caul, DeRossett, Farhat, Gaffney, Gillard, Hager, Howell, Huizenga, Jamnick, Koetje, Kooiman, Law, Lipsey, Meyer, Minore, Newell, Paletko, Palmer, Pappageorge, Shackleton, Shaffer, Sheltroun, Shulman, Stakoe, Vander Veen, Voorhees, Wojno, Gielegem and Richardville as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

Senators Hardiman, Johnson, Scott and Allen asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman's statement is as follows:

Next Tuesday is the 50th Veterans Day in the United States. With all our good deeds, with all our determination, and with all of our desires to have an everlasting peace, people of good conscience can still find themselves resolved to war. Our country suffered a great tragedy when war was brought to our shores on September 11, 2001. It was the first time most of our citizens knew the brutality of war first-hand in nearly 60 years, but for some families, the fear of losing a loved one who has committed himself/herself to serving their country is a constant reminder of human frailty.

As Veterans Day approaches, we need to say thank you and honor those families. For some brave souls who have committed their lives to defending our country and our way of life, the hardships of combat are today too often a reality. As Veterans Day approaches, we need to say thank you and honor those soldiers.

A couple of years ago, I was asked to speak at a meeting put on by an organization in downtown Grand Rapids called Degagé. It serves many of the people who are homeless and live on the streets. It's a Veterans Day meeting. I spoke

there. I spoke about my own experiences in Vietnam, and I related three particular feelings. One was the incredible feeling of loneliness as I left my family and my country as I went to serve in Vietnam. The second was a great feeling of fear, quite frankly, of the danger in Vietnam. The third was that sense of energy and that wonderful spirit that helped me to overcome that fear and serve my country. As I spoke of these three situations, I saw in the eyes of these men that recognition of those same feelings. Then I encouraged the audience to stand and give them an ovation that would last for days in their ears. You see, these men have served, but many of them were downtrodden, and many of them had not been thanked upon coming back from Vietnam. And although they were downtrodden, they stood up and proudly stuck out their chests as a very grateful audience applauded them and thanked them. You could see tears in many eyes. It's a tragic injustice when we don't thank our veterans.

So my dear colleagues, as this Veterans Day approaches, I welcome you in partnership in saying thank you to veterans. May God bless those who are currently serving, may God bless veterans, may God bless the families of the veterans, may God bless this great state of Michigan, and may God bless America.

Senator Johnson's statement is as follows:

There is a sentiment that the administration is not forthcoming with data that it has in hand. A member of this body requested some fiscal information from the administration, and that information did not reach that member.

It may be useful to remind the administration of its duty. The Management and Budget Act provides a couple provisions of interest. Section 421a of the Michigan Compiled Laws says:

"(1) The legislative and judicial branches of government shall have uninterrupted access to all capabilities of the state financial management system.

(2) A person who deliberately interrupts access violates this section and is subject to a civil penalty of \$1,000.00 per day for each separate violation of this section."

To the degree the administration has access to records within MAIN, but is not granting the Legislature access, it violates this provision of the law.

Also Section 18.1424 of Michigan Compiled Laws states that the State Budget Director may compel an officer or employee of state government to produce for examination the books of accounts, papers, and documents for a department, and those officials must truthfully answer all related questions. The State Budget Director is given the authority to take the testimony of witnesses, administer oaths, and compel the production of books, records, and papers for the Michigan Legislature. If the cooperation does not improve, perhaps State Budget Director Mary Lannoye can be asked on behalf of the Legislature to exercise her powers under this section and compel that those records be produced.

It is inappropriate when the Senator from the 24th District requests information from this administration, and they refuse to acknowledge that request.

Senator Scott's statement is as follows:

I would like to thank my colleagues for passing House Bill No. 5156. This will allow the city of Highland Park under an emergency financial manager, or any city, to issue bonds in the amount that exceeds the limitation established under its own city charter.

In reality, this bill is a lifeline for the city of Highland Park. My city is trapped under a mountain of debt. This bill will allow the city of Highland Park to restructure its existing debt through the issuance of debt recovery bonds, and we can certainly move forward. It will certainly insure that the 450 city of Highland Park retirees will get their pension checks from the municipality's pension fund which will be insolvent in 2004. This will not cost the state of Michigan a dime. The legislation simply amends the Home Rule City Act to authorize a municipality, under the administration of a state-appointed emergency financial manager, to exceed its bond cap and issue fiscal stabilization bonds.

So again I thank my colleagues for allowing Highland Park to move forward.

Senator Allen's statement is as follows:

My family and I would like to thank the Senate for their thoughtfulness during the time of our family tragedy. We want to let you know how much we appreciate your prayers and your support over these last weeks. We want to let you know what a special body this group is and how our hard efforts go to do the work of the people, but the sincerity and the caringness that comes out of this group has just been wonderful. We are grateful for your support.

Senator Allen stated that had he been present on October 28 when the vote was taken on the passage of the following bill, he would have voted "yea":

**House Bill No. 4070**

Senator Allen stated that had he been present on October 29 when the votes were taken on the passage of the following bills, he would have voted "yea":

**House Bill No. 5050**

**Senate Bill No. 214**

**Senate Bill No. 215**  
**Senate Bill No. 226**  
**Senate Bill No. 227**  
**Senate Bill No. 228**  
**Senate Bill No. 229**  
**House Bill No. 5133**

Senator Allen stated that had he been present on October 30 when the votes were taken on the passage of the following bills, he would have voted "yea":

**Senate Bill No. 275**  
**House Bill No. 4872**  
**House Bill No. 4714**  
**House Bill No. 4907**

Senator Allen stated that had he been present on October 30 when the vote was taken on the passage of the following bill, he would have voted "nay":

**Senate Bill No. 612**

By unanimous consent the Senate returned to the order of

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

Senators Sanborn, Toy, Van Woerkom, Johnson, Sikkema, Brown, McManus, Jelinek, Birkholz, Cropsey, Gilbert, George, Cassis, Goschka, Stamas, Hammerstrom, Bernero, Hardiman, Allen, Bishop and Garcia introduced

**Senate Bill No. 833, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

Senators Bishop, Allen, Kuipers, Johnson, Van Woerkom, Garcia, Goschka, Gilbert, Sanborn, George, Cropsey, Patterson, McManus, Jelinek, Hardiman, Brown, Birkholz, Hammerstrom, Thomas, Jacobs, Basham, Leland, Clarke, Sikkema and Toy introduced

**Senate Bill No. 834, entitled**

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of a Michigan early stage venture capital investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture capital investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

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

Senators George, Allen, Cropsey, Patterson, McManus, Jelinek, Hardiman, Brown, Birkholz, Hammerstrom, Thomas, Jacobs, Basham, Clarke, Van Woerkom, Leland, Garcia, Sikkema, Johnson and Toy introduced

**Senate Bill No. 835, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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

Senators Cassis, George, Cropsey, Patterson, McManus, Jelinek, Hardiman, Brown, Birkholz, Hammerstrom, Thomas, Jacobs, Basham, Clarke, Allen, Leland, Van Woerkom, Garcia, Sikkema, Johnson and Toy introduced

**Senate Bill No. 836, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

**House Bill No. 4276, entitled**

A bill to establish Holocaust remembrance week in the state of Michigan.

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 Local, Urban and State Affairs.

**House Bill No. 5104, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 1999 PA 189.

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 Judiciary.

**House Bill No. 5190, entitled**

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

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 Local, Urban and State Affairs.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Wednesday, November 12. The motion prevailed.

### Committee Reports

The Committee on Families and Human Services reported

**Senate Resolution No. 139.**

A resolution to express support for the creation of the Office of Faith-Based Initiative in the state of Michigan.

(For text of resolution, see Senate Journal No. 71, p. 1597.)

With the recommendation that the resolution be adopted.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: Senators Jacobs and Clark-Coleman

The resolution was placed on the order of Resolutions.

### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, November 4, 2003, 3:00 p.m., Room 210, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 805, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson and Van Woerkom

Nays: None

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



The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 806, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson and Van Woerkom

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4011, entitled**

A bill to repeal 1927 LA 9, entitled "An act to prohibit hunting on Sunday in the county of Washtenaw and to prescribe penalties for the violation thereof."

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4666, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4b (MCL 125.584b).

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4667, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 16c (MCL 125.286c).

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4668, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 16c (MCL 125.216c).

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 5027, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82106, 82107, and 82109 (MCL 324.82101, 324.82106, 324.82107, and 324.82109), section 82101 as amended by 2003 PA 43, section 82106 as amended by 1998 PA 297, and sections 82107 and 82109 as added by 1995 PA 58.

With the recommendation that the bill pass.

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

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, November 4, 2003, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Finance reported

**Senate Bill No. 781, entitled**

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

## To Report Out:

Yeas: Senators Cassis, McManus, Thomas and Brater

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, November 5, 2003, at 1:06 p.m., Room 110, Farnum Building

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

Excused: Senator Garcia

The Committee on Commerce and Labor reported

**Senate Bill No. 820, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37d (MCL 208.37d), as amended by 1999 PA 100.

With the recommendation that the bill pass.

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

Jason Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

**Senate Bill No. 821, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2000 PA 429.

With the recommendation that the bill pass.

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

Jason Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

**Senate Bill No. 822, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

With the recommendation that the bill pass.

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

Jason Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

**Senate Bill No. 824, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 4, 5, 6, and 10 (MCL 207.804, 207.805, 207.806, and 207.810), section 6 as amended by 2000 PA 144.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Jason Allen  
Chairperson

## To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, November 4, 2003, at 3:00 p.m., Room 100, Farnum Building

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, November 4, 2003, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer and Brater

Excused: Senator Bernero

**COMMITTEE ATTENDANCE REPORT**

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, November 5, 2003, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Birkholz, Brown, Cassis, Olshove and Leland

Excused: Senators Toy and Bernero

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Wednesday, November 5, 2003, at 3:03 p.m., Rooms 402 and 403, Capitol Building

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

**Scheduled Meetings**

**Appropriations** - Wednesday, November 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Family Resource Center Curriculum Joint Study Committee (SCR 36)** - Wednesday, November 12, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Judiciary** - Wednesday, November 12, 3:00 p.m., Room 110, Farnum Building (373-3760)

**Senior Citizens and Veterans Affairs** - Wednesday, November 12, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:51 a.m.

Pursuant to the order previously made, the Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, November 12, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate