

No. 54
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, June 4, 2003.

10:00 a.m.

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

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

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

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

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

Pastor Joel Kruggel of Harbert Community Church of Harbert offered the following invocation:

Our God and Father, we pause in prayer to You again today for the strength and courage to keep the trust placed in each of us; to keep the trust of those citizens who have elected these Senators to their roles of leadership for our state; to keep the trust of our families who look to us to be loving and faithful mothers, fathers, and spouses, as well as leaders; and to keep the trust of those who have come before us—the trust of those who created a state government committed to protecting the freedom of individuals in our communities, in the marketplace, and in our places of worship and service. We pray, above all, that we would keep the trust of our calling from You, the God who mysteriously directs the paths of each of our lives.

We confess, our Father, that it is easy in all of our roles to forget the trust placed in us. It is too easy to assume that we report to no one but ourselves. Remind us today that we ultimately report to You. Remind us of Your passion for truth, Your passion for morality, Your passion for justice, and Your passion for the worth of each person in our care. Remind us, too, our God, that we do not carry out this trust in our own power. With Your call to service comes Your promise of wisdom and strength. Remind us of the mission of Jesus Christ, Your Son, who startled His followers by saying, “I have come not to be served, but to serve and to offer my very life as the way to true life for all people.”

We dare to pray today that we would be true servants of those who trust us this day in this place. Amen.

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

Motions and Communications

The following communication was received:

Wayne County Airport Authority

June 2, 2003

Please find enclosed a copy of our 2002 Audited Financial Statements per the requirements of Public Act 90 of 2002. If you have any questions, please contact me at (734) 247-6775.

Sincerely,
Marge Basrai, CPA
Manager - Cash and Financial Reporting
Finance Department

The communication was referred to the Secretary for record.

Recess

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

The motion prevailed, the time being 10:06 a.m.

10:26 a.m.

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

During the recess, Senators Patterson, Gilbert, Garcia, Stamas, Van Woerkom, Kuipers, Birkholz, Toy, George, Cropsy, Sikkema and Emerson entered the Senate Chamber.

Senator Hammerstrom moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bill:

Senate Bill No. 510, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3118 and 3119 (MCL 324.3118 and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106.

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 bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator Hammerstrom moved that the rules be suspended and that the following appointment, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

Certificate of Need Commission

Mr. Bradley Neal Cory, 110 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, to succeed Ms. Jean Landrevile, for a term commencing on May 23, 2003 and expiring on April 14, 2006.

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

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 3:
House Bill No. 4514

Messages from the Governor

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

Senate Bill No. 195

The motion prevailed.

Certificate of Need Commission

Mr. Bradley Neal Cory, 110 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, to succeed Ms. Jean Landrevile, for a term commencing on May 23, 2003 and expiring on April 14, 2006.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 166

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The following messages from the Governor were received and read:

June 3, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2002 of the Occupational Code, 1980 PA 299, MCL 339.2002:

Board of Architects

Daniel A. Redstone, 3347 Bloomfield Shore Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding Rainy Hamilton, Jr., for a term commencing on June 3, 2003 and expiring on March 31, 2006.

Ronald L. Hausmann, 292 Chestnut Circle, Bloomfield Hills, Michigan 48034, county of Oakland, succeeding Abe A. Munfakh, for a term commencing on June 3, 2003 and expiring on March 31, 2006.

June 3, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 802 of the Occupational Code, 1980 PA 299, MCL 339.802:

Athletic Board of Control

Andrea Darnell, 8615 Puritan, Detroit, Michigan 48238, county of Wayne, succeeding Bruce L. Birger, for a term commencing on June 3, 2003 and expiring on March 31, 2006.

Dr. Roy T. Bergman, 708 Applegate Lane, East Lansing, Michigan 48823, county of Ingham, succeeding Michael Sherbin, for a term commencing on June 3, 2003 and expiring on March 31, 2006.

June 3, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2002 of the Occupational Code, 1980 PA 299, MCL 339.2002:

Board of Professional Engineers

Ronald L. Hausmann, 292 Chestnut Circle, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Abe A. Munfakh, for a term commencing on June 3, 2003 and expiring on March 30, 2006.

June 3, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2002 of the Occupational Code, 1980 PA 299, MCL 339.2002:

Board of Professional Surveyors

Daniel A. Redstone, 3347 Bloomfield Shore Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding Rainy Hamilton, Jr., for a term commencing on June 3, 2003 and expiring on March 31, 2006.

June 3, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under section 2402 of the Occupational Code, 1980 PA 299, MCL 339.2402:

Residential Builders' and Maintenance and Alteration Contractors' Board

Anthony L. Parker, 2129 Iroquois, Detroit, Michigan 48214, county of Wayne, succeeding Frank E. Smith, for a term commencing on June 3, 2003 and expiring on March 31, 2006.

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

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. 4219

Senate Bill No. 271

House Bill No. 4008

Senate Bill No. 23

House Bill No. 4197

The motion prevailed.

The following bill was read a third time:

House Bill No. 4219, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 669.

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. 167**Yeas—33**

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

Nays—5

Basham	Patterson	Scott	Switalski
Bernero			

Excused—0**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 not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 271, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.283) by adding section 20d. 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. 168**Yeas—37**

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

Nays—0

Excused—0

Not Voting—1

Bishop

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cropsey moved that he be permitted to submit a statement in writing for inclusion in a subsequent Journal. The motion prevailed.

The following bill was read a third time:

House Bill No. 4008, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 512a.

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. 169

Yeas—38

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

Nays—0

Excused—0

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 meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner

and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 23, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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. 170

Yeas—38

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

Nays—0

Excused—0

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. 4197, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 2 (MCL 125.2152), as amended by 2000 PA 248.

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. 171

Yeas—38

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

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

Nays—0

Excused—0

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 encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.”

The Senate agreed to the full title.

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 Goschka 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 bills:

House Bill No. 4556, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 110 (MCL 206.110), as amended by 1996 PA 484.

House Bill No. 4561, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 351 (MCL 206.351), as amended by 1996 PA 264.

House Bill No. 4567, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax

liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2002 PA 657.

House Bill No. 4568, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 2002 PA 579.

House Bill No. 4569, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6 (MCL 205.96), as amended by 1998 PA 266.

Senate Bill No. 379, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as amended by 1984 PA 352 and section 9b as added by 1982 PA 465, and by adding sections 9c, 9d, and 9e.

Senate Bill No. 380, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding section 5b.

Senate Bill No. 381, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

Senate Bill No. 382, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

Senate Bill No. 384, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

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

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

House Bill No. 4557, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 4 (MCL 206.4).

Substitute (S-1).

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

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

House Bill No. 4558, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 22 (MCL 206.22), as amended by 1996 PA 484.

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

1. Amend page 2, line 2, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law."

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

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

House Bill No. 4559, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 26 (MCL 206.26).

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

1. Amend page 1, line 8, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law."

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

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

House Bill No. 4560, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 315 (MCL 206.315).

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

1. Amend page 3, line 6, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law."

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

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

House Bill No. 4562, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 355 (MCL 206.355), as amended by 1991 PA 82.

Substitute (S-1).

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

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

House Bill No. 4563, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 365 (MCL 206.365), as amended by 1996 PA 448.

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

1. Amend page 5, line 6, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law."

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

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

House Bill No. 4564, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 451 (MCL 206.451), as amended by 2002 PA 581.

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

1. Amend page 2, line 9, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law."

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

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

House Bill No. 4565, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 12 (MCL 206.12), as amended by 1996 PA 484.

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

1. Amend page 2, line 10, after “a” by striking out the balance of the subdivision and inserting “**nonresident member.**”

2. Amend page 2, line 14, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4561 of the 92nd Legislature is enacted into law.”

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

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

Senate Bill No. 383, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 6 of chapter XIV (MCL 74.6) and by adding section 6b to chapter XIV.

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:

Senate Bill No. 472, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 18 (MCL 224.18), as amended by 2000 PA 342.

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 proceeded to the order of

Statements

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

The motion prevailed.

Senator Goschka’s statement is as follows:

I would like to reiterate something that was brought before this body recently, both by Senators Birkholz and Cherry. That is the fact that today the Children’s Caucus is going to be having Dr. Harry T. Chugani from Wayne State University speak at the House Office Building.

My wife is here today to hear him, and I was unaware of him until she had indicated to me one day when I went to Wayne State University to visit that campus the fact that he is truly the godfather, as it were, of brain research.

Dr. Chugani really is tops in his field. He is the field, and if you have made arrangements to go hear Dr. Chugani today or perhaps there may be openings to do so, I hope that you would take this opportunity today to hear even a portion of what Dr. Harry Chugani will have to say. We are learning more and more as time goes on regarding the issue of brain research. We are learning that in the very early stages, the issues of connectivity and all that is connected with his research is important in reaching children. I do commend Senators Birkholz and Cherry for their leadership in bringing him here.

We are about the business of looking out for children. The research that he has done, if we really pay attention and listen and put our attention to it, I really believe we will walk away with a greater understanding of the genuine needs of children and how they can be reached at early ages. That is a lot of what our mission is about.

I do hope that you will take a moment to go to the House Office Building to hear Dr. Harry T. Chugani from Wayne State University. Just so you know his background, he is the chief of Pediatric Neurology at Children’s Hospital of Michigan. He is also a professor of pediatric, neurology, and radiology at Wayne State University. I truly believe it is well worth our time to hear this man today and what he has to say about the critical issue of brain research, particularly as it relates to children.

Senator Cassis' statement is as follows:

Today I rise to discuss a very critical issue—Michigan's economy and how Michigan must remain competitive with other states in tax policy and jobs.

The Senate Finance Committee held three hearings on the tax implications of the Governor's 2003-04 budgets and her desire to balance the budget by securing additional dollars. Our goal is to remain fiscally cautious during this budget downturn. This is not the time to turn up the heat on small businesses and job providers. Michigan needs to send the message it is open for business, it is a growth state, and it is a tax policy-friendly state. It's during tough times we should be bold, we should be creative, and make Michigan more competitive than it is today. Other states have huge deficits and think they can tax their way to recovery. Let them; that's the wrong solution. This is Michigan's opportunity for greatness as the Governor has heralded. This is Michigan's opportunity to shine and become more competitive. We will win the race for jobs and economic prosperity.

I have heard first-hand from community business leaders to economic development professionals to mom and pop business owners across the state, and they all reiterate the same message. Tax increases are an impediment to Michigan's businesses, they are an impediment to Michigan's economy, and they are an impediment to Michigan's families. We took the Governor at her word when she said she didn't want to increase taxes. Today I stand shoulder to shoulder with her. We want her to know we are here to do the same work.

Four of the Governor's 15 proposals are actual loopholes, but the other 11 are tax increases and do not meet the definition of a tax loophole. It is very dangerous and unhealthy to pass these laws for the small businesses of Michigan. We will close the loopholes that allow for out-of-state gamblers to skip out on paying taxes, and we will extend corporate officer tax liability provisions to LLC managers or officers. This is equitable policy, leveling the playing field.

My colleagues, we are on the verge of recovery. Let's persevere. Consumer confidence is going up, so let's not lessen that confidence. Over the last decade, the Legislature has made great headway to change the tax landscape in this state, and we have accomplished a lot. But there's still more to do to relieve the tax burden on businesses, families, and individuals. Since January, my colleagues and I have spoken of our opposition to tax increases. We have talked the talk for five months today, and we are walking the walk to greater prosperity for Michigan.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Brater and McManus introduced

Senate Bill No. 537, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58, and by adding section 501b; and to repeal acts and parts of acts.

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

Senators Patterson, Van Woerkom, Sanborn, Stamas, Allen, Kuipers, Birkholz, George, McManus and Switalski introduced

Senate Bill No. 538, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 968 (MCL 168.968), as amended by 1989 PA 26.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Gilbert, Johnson, Goschka and Kuipers introduced

Senate Bill No. 539, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of

deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

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

Senator Johnson introduced
Senate Bill No. 540, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced
Senate Bill No. 541, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

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

Senators Garcia, Toy and Stamas introduced
Senate Bill No. 542, entitled

A bill to amend 1969 PA 224, entitled "An act to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts," by amending sections 1, 8, and 9 (MCL 287.381, 287.388, and 287.389).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Garcia, Toy and Stamas introduced
Senate Bill No. 543, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding sections 8b and 8c.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced
Senate Bill No. 544, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and 43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, 125.2331, 125.2338, and 125.2343), section 28 as amended by 1993 PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38 as amended by 1988 PA 337; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 545, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending the title and sections 1, 11, 15a, 22, 24b, 32, 32a, 32b, 44, 44c, 44d, 97, 97a, 97b, 97c, 97d, 97e, 97f, 98, 98a, 98b, 98c, 98d, 98e, 98f, and 99c (MCL 125.1401, 125.1411, 125.1415a, 125.1422, 125.1424b, 125.1432, 125.1432a, 125.1432b, 125.1444, 125.1444c, 125.1444d, 125.1497, 125.1497a, 125.1497b, 125.1497c, 125.1497d, 125.1497e, 125.1497f, 125.1498, 125.1498a, 125.1498b, 125.1498c, 125.1498d, 125.1498e, 125.1498f, and 125.1499c), the title and sections 97c and 98c as amended by 1984 PA 215, sections 1 and 44d as amended by 1998 PA 33, sections 11, 44c, and 98a as amended by 1996 PA 475, section 15a as amended by 1994 PA 363, section 22 as amended by 2002 PA 385, sections 24b, 97, 97a, 97b, 97d, 97e, 97f, 98, 98b, 98d, 98e, and 98f as amended by 1983 PA 217, sections 32, 32a, 32b, and 44 as amended by 2000 PA 257, and section 99c as added by 1989 PA 220.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 546, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4g (MCL 205.93 and 205.94g), section 3 as amended by 2002 PA 669 and section 4g as added by 1985 PA 66.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 547, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 76, 79, 627, 719a, 719b, 725, and 801 (MCL 257.76, 257.79, 257.627, 257.719a, 257.719b, 257.725, and 257.801), section 79 as amended by 1992 PA 134, section 627 as amended by 1990 PA 165, section 719a as amended by 1996 PA 136, section 719b as amended by 1993 PA 243, section 725 as amended by 1998 PA 247, and section 801 as amended by 2002 PA 417.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 548, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 40103 (MCL 324.16901 and 324.40103), section 16901 as amended by 2002 PA 496 and section 40103 as amended by 2000 PA 191.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 549, entitled

A bill to amend 1966 PA 326, entitled "An act to regulate the rate of interest of money; to provide exceptions; to prescribe the rights of parties; and to repeal certain acts and parts of acts," by amending section 1c (MCL 438.31c), as amended by 1990 PA 94.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 550, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 2A104, 9201, and 9311 (MCL 440.2804, 440.9201, and 440.9311), section 2A104 as amended by 1996 PA 72, section 9201 as amended by 2002 PA 480, and section 9311 as amended by 2001 PA 145.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 551, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 7, 121, 122, 122a, 122b, 123, 124, and 127 (MCL 559.107, 559.221, 559.222, 559.222a, 559.222b, 559.223, 559.224, and 559.227), sections 121, 122, and 127 as amended by 1982 PA 538, and section 122a as amended and section 122b as added by 1984 PA 356.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Garcia introduced

Senate Bill No. 552, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4704, 5714, 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 (MCL 600.4704, 600.5714, 600.5771, 600.5773, 600.5775, 600.5777, 600.5779, 600.5781, 600.5783, and 600.5785), section 4704 as added by 1988 PA 104, section 5714 as amended by 1990 PA 310, and sections 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 as added by 1988 PA 336.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Patterson introduced

Senate Bill No. 553, 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 1 (MCL 125.1651), as amended by 1997 PA 202.

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

House Bill No. 4514, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200i, 200k, 200l, 204, 207, 209, 210, 211a, and 212a (MCL 750.200i, 750.200k, 750.200l, 750.204, 750.207, 750.209, 750.210, 750.211a, and 750.212a), sections 200i and 200k as added by 1998 PA 207, section 200l as added by 2001 PA 135, sections 204 and 211a as amended by 1998 PA 206, sections 207, 209, and 210 as amended by 1998 PA 208, and section 212a as amended by 2002 PA 140, and by adding section 200m.

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.

Recess

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

The motion prevailed, the time being 11:42 a.m.

11:52 a.m.

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

Senators Johnson and Sikkema introduced

Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217a, 217d, 307, 312e, 312h, 320e, 801, 801d, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.307, 257.312e, 257.312h, 257.320e, 257.801, 257.801d, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 307 as amended by 2002 PA 534, section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, section 320e as amended by 1998 PA 346, section 801 as amended by 2002 PA 417, section 801d as amended by 1984 PA 123, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r and 810b; and to repeal acts and parts of acts.

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

Committee Reports

The Committee on Technology and Energy reported

Senate Resolution No. 93.

A resolution to memorialize the Congress of the United States to enact legislation to regulate spam, unsolicited commercial email.

(For text of resolution, see Senate Journal No. 50, p. 646.)

With the recommendation that the resolution be adopted.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Brown, Olshove and Bernero

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Technology and Energy reported

Senate Concurrent Resolution No. 24.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to regulate spam, unsolicited commercial email.

(For text of resolution, see Senate Journal No. 50, p. 646.)

With the recommendation that the concurrent resolution be adopted.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Brown, Olshove and Bernero

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 28, 2003, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Cassis

The Committee on Government Operations reported the following nomination to office:

Certificate of Need Commission

Mr. Bradley Neal Cory, 110 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, to succeed Ms. Jean Landrevile, for a term commencing on May 23, 2003 and expiring on April 14, 2006.

With the recommendation that the Senate advise and consent to the said nomination.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Emerson and Jacobs

Nays: None

The nomination was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, June 3, 2003, at 1:06 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson and Jacobs

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Business Competitiveness submitted the following:

Meeting held on Monday, May 5, 2003, at 10:30 a.m., DENSO Manufacturing Michigan Inc., One Denso Road, Battle Creek

Present: Senators Sanborn (C) and Schauer

Excused: Senators Cassis, Toy and Basham

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Business Competitiveness submitted the following:

Meeting held on Monday, May 19, 2003, at 6:00 p.m., Saginaw Valley State University, Curtiss Hall, Rhea Miller Recital Hall, 7400 Bay Road, University Center

Present: Senators Sanborn (C) and Toy

Excused: Senators Cassis, Schauer and Basham

COMMITTEE ATTENDANCE REPORT

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

Joint public hearing held on Wednesday, May 28, 2003, at 6:30 p.m., Rondel Media Center, Meads Mill Middle School, 16700 Franklin Road, Northville

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

Excused: Senators Brater and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, June 3, 2003, at 12:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Johnson, Jelinek, Barcia and Cherry

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 5, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Community Health Department - Thursday, June 5, 3:00 p.m., Room 210, Farnum Building (373-7946)

K-12, School Aid, Education - Thursday, June 5, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Transportation Department - Tuesday, June 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, June 5, 12:00 noon, Room 100, Farnum Building (373-2417)

Business Competitiveness Joint Select Committee (SCR 3) - Monday, June 9, 10:30 a.m., City Council Chambers, 147 Wabash, Milan (373-7670)

Education, Joint Senate and House - Thursday, June 5, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-6920)

Families and Human Services - Thursday, June 5, 8:30 a.m., Room 210, Farnum Building (373-1801)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:53 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 5, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate