

No. 9
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, February 3, 2004.

10:00 a.m.

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

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

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

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

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

Senator Jason E. Allen of the 37th District offered the following invocation:

Dear Lord, we bow our heads today in thanks for the many blessings You have bestowed upon us in our great state. We thank You for the opportunity to serve the citizens of Michigan, and as we confront the problems that face us all, please grant us Your wisdom, Your courage, and Your compassion to find the solutions that are fair and just for all of us. All of this we ask in Your name. Amen.

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

Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

10:28 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

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

The following communication was received:
Automobile Theft Prevention Authority

January 30, 2004

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2003 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Tadarial J. Sturdivant
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Thursday, January 29, and are available at the legislative Web site:

Senate Bill Nos. 929 930 931 932 933 934

The Secretary announced that the following official bills were printed on Friday, January 30, and are available at the legislative Web site:

Senate Bill Nos. 935 936

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 687
Senate Bill No. 474

The motion prevailed.

The following messages from the Governor were received and read:

January 30, 2004

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 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274 and Executive Order 2003-18:

Worker's Compensation Appellate Commission

Mr. Richard Leslie of 10626 Charring Cross Circle, Whitmore Lake, Michigan 48189, county of Washtenaw, appointed for a term commencing January 30, 2004 and expiring September 30, 2005.

Ms. Martha M. Glaser of 26583 Holly Hill, Farmington Hills, Michigan 49334, county of Oakland, appointed for a term commencing January 30, 2004 and expiring September 30, 2006.

Mr. James J. Kent of 1415 Fair Oaks Court, East Lansing, Michigan 48823, county of Ingham, appointed for a term commencing January 30, 2004 and expiring September 30, 2007.

Mr. William G. Reamon, Jr., of 4275 4 Mile Road, N.E., Grand Rapids, Michigan 49525, county of Kent, appointed for a term commencing January 30, 2004 and expiring January 30, 2005.

Mr. Rodger G. Will of 17689 Parke Lane, Grosse Ile, Michigan 48138, county of Wayne, appointed for a term commencing January 30, 2004 and expiring September 30, 2006.

January 30, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213 and Executive Order 2003-18:

Worker's Compensation Board of Magistrates

Mr. Christopher P. Ambrose of 1820 Dennison Road, East Lansing, Michigan 48823, county of Ingham, succeeding Cynthia Johnson, whose term has expired, appointed for a term commencing January 30, 2004 and expiring January 26, 2007.

Mr. Jack A. Nolish of 8620 Hendrie, Huntington Woods, Michigan 48070, county of Oakland, succeeding Jerome Solomon, whose term has expired, appointed for a term commencing January 30, 2004 and expiring January 26, 2007.

Mr. Paul H. Reinhardt of 908 Maxwell, S.E., East Grand Rapids, Michigan 49506, county of Kent, succeeding Richard Hedstrom, whose term has expired, appointed for a term commencing January 30, 2004 and expiring January 26, 2007.

Ms. Rosemary Kozielski Wolock of 7900 Huntington Road, Royal Oak, Michigan 48070, county of Oakland, succeeding John Rabaut, whose term has expired, appointed for a term commencing January 30, 2004 and expiring January 26, 2007.

Mr. Michael J. Barney of 27030 Havelock, Dearborn Heights, Michigan 48127, county of Wayne, reappointed for a term expiring January 26, 2007.

Ms. Valencia L. Jarvis of 17231 Roseland Boulevard, Southfield, Michigan 48076, county of Oakland, reappointed for a term expiring January 26, 2007.

Sincerely,
 Jennifer M. Granholm
 Governor

The appointments were referred to the Committee on Government Operations.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Bishop 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. 4659, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20906 (MCL 333.20906), as amended by 2000 PA 375.

House Bill No. 4965, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406k (MCL 500.3406k), as added by 1998 PA 125.

House Bill No. 4966, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 418 (MCL 550.1418), as added by 1998 PA 124.

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

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators McManus, Jelinek and Cropsey introduced

Senate Bill No. 937, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

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

Senator Jacobs introduced

Senate Bill No. 938, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111a.

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

Senator Jacobs introduced

Senate Bill No. 939, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 19i (MCL 38.19i), as added by 2002 PA 743.

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

Senator Jacobs introduced

Senate Bill No. 940, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 61 (MCL 408.1061), as amended by 1996 PA 437.

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

Senator Jacobs introduced

Senate Bill No. 942, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19j.

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

Senators Kuipers, Hardiman, Basham, Van Woerkom, Sanborn, Cropsey, Bishop, Goschka, Allen, Brown, Stamas, McManus, Birkholz and Barcia introduced

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

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

Senators Hardiman, Kuipers, Basham, Van Woerkom, Sanborn, Cropsey, Bishop, Goschka, Brown, Allen, Stamas, McManus, Birkholz and Barcia introduced

Senate Bill No. 944, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

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

Senators McManus, Brown, Van Woerkom, Birkholz, Cassis, Barcia, Allen, Jelinek and Hardiman introduced

Senate Bill No. 945, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

Senators Patterson, Bishop, Kuipers, Hammerstrom, George, Van Woerkom, Toy, Birkholz, Garcia, Brown, Hardiman, Allen and Goschka introduced

Senate Bill No. 946, entitled

A bill to create the medical care savings account program; to prescribe the powers and duties of certain state agencies, boards, and departments; to provide penalties and remedies; to provide for certain tax credits; and to prescribe the requirements of and restrictions on medical care savings accounts.

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

Senators Patterson, Bishop, Kuipers, Hammerstrom, George, Van Woerkom, Toy, Birkholz, Garcia, Brown, Hardiman, Allen and Goschka introduced

Senate Bill No. 947, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269; 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 Finance.

Senators Hammerstrom, Patterson, Bishop, Kuipers, George, Van Woerkom, Toy, Birkholz, Garcia, Brown, Hardiman, Allen and Goschka introduced

Senate Bill No. 948, entitled

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

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

Senators Patterson, Bishop, Kuipers, Hammerstrom, George, Van Woerkom, Toy, Birkholz, Garcia, Brown, Hardiman, Allen and Goschka introduced

Senate Bill No. 949, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

Committee Reports

The Committee on Local, Urban and State Affairs reported

House Bill No. 4276, entitled

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

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Goschka

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, January 29, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz and Goschka

Excused: Senators Basham and Bernero

Scheduled Meetings**Administrative Rules** - Wednesday, February 4, 12:00 noon, Room 426, Capitol Building (373-6476)**Agriculture, Forestry and Tourism** - Thursday, February 5, 9:00 a.m., Room 110, Farnum Building (373-1635)**Appropriations** - Thursday, February 5, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)**Subcommittees -****Capital Outlay** - Thursday, February 5, 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523) (CANCELED)**Judiciary and Corrections** - Tuesdays, February 17, February 24, March 2, March 9 and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)**K-12, School Aid, Education** - Wednesday, February 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)**K-12, School Aid, Education and House School Aid and Department of Education** - Tuesday, February 10, 4:00 p.m., State Board of Education Room, 4th Floor, Hannah Building (373-6960)**Natural Resources Department** - Tuesday, February 10, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)**Conference Committee -****NPDES Permit Fees (SB 252)** - Wednesday, February 4, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)**Education** - Thursday, February 5, 2:00 p.m., Room 210, Farnum Building (373-6920)**Senior Citizens and Veterans Affairs** - Wednesday, February 4, 1:00 p.m., Room 100, Farnum Building (373-1707)**Technology and Energy** - Wednesday, February 4, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:43 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 4, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate