

No. 10
STATE OF MICHIGAN
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REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, February 4, 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 present.

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

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

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

Senator Alan Sanborn of the 11th District offered the following invocation:

Heavenly Father, we stand before You truly unworthy of Your love and support, but with grateful hearts for all that You have given us, despite our unworthiness. As elected officials and staff, we gather in this chamber and toil in our offices and committee rooms on behalf of our fellow citizens, who have entrusted us with the responsibility to serve. We pray that You would open our hearts and cause us to hear and follow Your guidance in each action that we take and each decision that we make.

We pray that You will help us each to demonstrate the strength of our convictions and the depths of our compassion as we work to do Your will in shaping the policies of our state.

In Your heavenly name we pray. Amen.

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

Motions and Communications

Senators Leland, McManus, Clarke and Van Woerkom entered the Senate Chamber.

Senator Hammerstrom moved that Senator Johnson be temporarily excused from today's session. The motion prevailed.

Senators Thomas and Johnson entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

February 4, 2004

Pursuant to Senate Rule 3.203c, I am hereby re-referring SB 946, SB 947, SB 948 and SB 949 from the Senate Finance Committee to the Senate Health Policy Committee.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:

Public Service Commission

February 1, 2004

The enclosed annual report, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 10u of 2000 PA 141, MCL 460.10u. This report will be available on the Commission Web site at Michigan.gov/mpsc.

As you know, electric restructuring in Michigan was created in response to Michigan's relatively high electric rates that, in large part, stifled economic development in the state. The explicit goals of the Customer Choice and Electricity Reliability Act include fostering competition, improving the opportunities for economic development, and promoting financially healthy and competitive utilities in Michigan.

During 2003, competition in Michigan's electric markets continued steady progress, with the number of customers participating more than doubling. The Commission issued 31 orders to further establish the framework for Michigan's Retail Open Access (ROA) Program, and implement the provisions of Act 141. Highlights of the report include:

- Over 13,000 customers are now participating in Michigan's ROA, growing by 70% to a total of 2,728 MW.
- The Commission has licensed 27 Alternative Electric Suppliers, and 19 are actively serving customers in the Consumers Energy Company and The Detroit Edison Company service territories.
- Michigan Court of Appeals affirmed the Commission's decision in Consumers Energy's and Detroit Edison's case related to the methodology and recovery of net stranded costs, calculation of securitization credits, and deferral of de-skewing rates.
- Consumers Energy and Detroit Edison were granted securitization bond and tax change true-up adjustments.
- At the time of this report, Detroit Edison (DTE) stock was selling for \$39 per share, compared to \$31-32 per share when Act 141 was being considered. Consumers Energy (CMS) stock has fallen significantly since Act 141 passed, but this loss was due primarily to foreign investments and unregulated trading activities.

- The Low-Income and Energy Efficiency Fund grants awarded nearly \$20 million for low-income energy efficiency and low-income energy financial assistance. An additional \$3 million went to the Michigan Community Action Agency Association for shut-off protection to low-income customers.
- Investigation of the blackout of 2003 found the transmission line and power plant outages that occurred prior to the power surges involved facilities in Ohio, and that Michigan utilities performed appropriately.
- The Commission took a major role in influencing federal policies to develop mandatory reliability standards for the transmission of electricity.
- Midwest Independent System Transmission Operator, a multi-state Regional Transmission Organization that includes Michigan, now covers 15 states from Appalachia to the Rocky Mountains, and part of Canada.
- Consumers Energy met the market tests required before filing for an increase in electricity rates.
- The first annual *Michigan Renewables Energy Program* report was filed to the Commission.
- The Commission has no recommendations for legislation at this time.

Development of a robust competitive market with full customer protection was a high priority for the Commission during the second year of fully open retail electricity markets in Michigan, and will continue to be so in 2004. Further, market development through 2004 should provide the Commission and the Legislature with a greater understanding of the components that can enhance market competition in support of the purposes of Act 141, including supporting healthy Michigan utilities. The Commission will apprise the Governor and the Legislature of any developments that may require action.

Respectfully yours,
Chair J. Peter Lark
Commissioner Robert B. Nelson
Commissioner Laura Chappelle

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 3:
House Bill Nos. 5148 5307 5375

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Kuipers admittance to the Senate floor, including the center aisle.

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.

Recess

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

The motion prevailed, the time being 10:07 a.m.

10:12 a.m.

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

During the recess, Senator Kuipers introduced to the Senate the West Ottawa High School Baseball Team, 2003 Class A State Champions, and Coach Jim Caserta, and presented them with a Special Tribute.

Coach Caserta responded briefly.

During the recess, Senator Brown entered the Senate Chamber.

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 23, 2004

Due to a typographical error on the January 15, 2004 letter filed with your office pursuant to Section 3 of 1965 PA 114, MCL 290.553, the following appointment should read:

Michigan Bean Commission

Mr. **Dennis P.** Englehard of 5789 Clark Road, Unionville, Michigan 48767, county of Tuscola, succeeding David J. Milligan, whose term has expired, representing District 3 growers, for a term commencing January 15, 2004 and expiring December 31, 2006.

February 3, 2004

Due to a typographical error on the January 30, 2004 letter filed with your office pursuant to Section 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274 and Executive Order 2003-18, the following appointment should read:

Worker's Compensation Appellate Commission

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 **September 30, 2005**.

Sincerely,
 Jennifer M. Granholm
 Governor

The messages were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was read a third time:

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.

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. 22

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 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 provide for the levy of taxes against certain health facilities or agencies; 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. 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.

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. 23

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
Brown
Cassis
Cherry

Gilbert
Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

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 revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 24**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 provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Hammerstrom’s statement is as follows:

I rise today to recognize the passing of a long-time state employee, Bernard Apol. Bernie began working for the state of Michigan in 1953. In 1966, he was appointed as Director of Elections for the state, serving in that capacity until his retirement in 1981. In 1961, he was the clerk of the Constitutional Convention. Following his retirement, the Michigan Supreme Court appointed Bernie to do the reapportionment of the state after the 1980 census. We then went on to take that plan that he devised and put it into state law, and that is how we have done reapportionment ever since.

Mr. Apol was a mentor to many clerks, including myself, and to people in the Department of Elections for many years. His love for the election process was always evident, and his goal was to always have clean, honest elections and professional people conducting them. He indeed exemplified the model of a public servant.

Senator Basham's statement is as follows:

I rise with great sadness in my heart today because on Saturday our state lost yet another brave young soldier in the ongoing violence in Iraq. Private First Class Holly J. McGeogh of Taylor became the twenty-first serviceperson from the state of Michigan to die in Iraq.

A true American patriot, Private First Class McGeogh enlisted in the Army immediately following graduation from Truman High School in Taylor in 2002. She served almost a full year in Iraq and was preparing to return home in March.

Private McGeogh was assigned to Company A, 4th Forward Support Battalion, the 4th Infantry Division from Fort Hood, Texas. She was killed January 31, near Kirkuk when an improvised explosive device exploded on the side of the road as her convoy drove past. Private McGeogh was 19 years old.

I would like to thank the Governor for ordering that the state's flag and U.S. flags fly at half-mast over the state of Michigan and Michigan waters. It's entirely proper that we do this, and I again appreciate the Governor's gesture of respect.

Private McGeogh was promoted to specialist in the Army and was awarded the Bronze Star and Purple Heart. None of us can know how much longer this conflict in Iraq will last, or how much blood will be spilled, but we remain ever resolute in our support for our servicemen and women. Our troops have been charged with establishing order in the most violent and chaotic nations in the world. And today, Mr. President, our state grieves the loss of yet another brave Michigander whose service to her country will never be forgotten. Let us pray to God that our remaining sons and daughters in Iraq are safe from harm and that Holly McGeogh's ultimate sacrifice is the last.

A moment of silence was observed in memory of Private First Class Holly J. McGeogh.

Senator Scott's statement is as follows:

From Hamtramck, Michigan, we have the first elected official in the country from Hamtramck from Bangladesh. We honored him just a couple of weeks ago. Shahab Ahmed is an active community and business leader in Hamtramck. Since 1998, Shahab Ahmed has owned and operated Shondhan Enterprise, Inc., a state licensed driving school and Michigan road test site.

In 1998, Shahab Ahmed served the city of Hamtramck under the administration of former Mayor Gary Zych as the deputy mayor and the first ever multi-cultural coordinator. In 2000, Shahab Ahmed served as the chairman of the 2000 United States census. Under his leadership, for the first time in 60 years, Hamtramck increased its population count by 25 percent, thereby increasing the amount of money Hamtramck received in state revenue sharing. In 2002, Shahab Ahmed was elected to the Hamtramck Charter Revision Commission, where he served until 2004 when he was elected to the Hamtramck City Council.

In addition to serving the city of Hamtramck, Shahab is involved in many community activities. His past and present activities include: Board of Directors of the People's Community Services, member of the Hamtramck Board of Education's District Strategic Plan Committee, member of the Refugees Resettlement Program - State of Michigan, Board of Directors of the Hamtramck Chamber of Commerce, founder and first president of Caniff Avenue Improvement Project, and member of Preserve Our Parks.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Switalski introduced

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VI, to provide for the appointment of justices of the supreme court by the governor.

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

Senators Cherry, Switalski and Olshove introduced

Senate Bill No. 941, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 641.

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

Senators Van Woerkom, Kuipers, Jelinek and McManus introduced

Senate Bill No. 950, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1999 PA 116.

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

Senators Van Woerkom, Kuipers, Jelinek and McManus introduced

Senate Bill No. 951, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2002 PA 669.

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

Senators Van Woerkom, Kuipers and Barcia introduced

Senate Bill No. 952, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43542 (MCL 324.43542), as added by 1995 PA 57.

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

Senators Brown, Cropsey, Barcia, Van Woerkom, McManus, Allen, Goschka, Kuipers, Garcia and Jelinek introduced

Senate Bill No. 953, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

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

Senators Brown, Cropsey, Barcia, Van Woerkom, McManus, Allen, Goschka, Kuipers, Garcia and Jelinek introduced

Senate Bill No. 954, 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," by amending section 10a (MCL 460.10a), as amended by 2003 PA 214, and by adding section 10dd.

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

Senators Brown, Cropsey, Barcia, Van Woerkom, McManus, Allen, Goschka, Kuipers, Garcia and Jelinek introduced

Senate Bill No. 955, entitled

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

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

Senator Gilbert introduced

Senate Bill No. 956, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 653a (MCL 257.653a), as added by 2000 PA 458.

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

Senators Hardiman, Allen, Birkholz, Jelinek, Stamas, Johnson, Kuipers, Sikkema, Hammerstrom, Cropsey, Bishop, Goschka, George, Gilbert, Patterson, Van Woerkom, Toy, Cassis, McManus, Schauer, Clark-Coleman, Clarke, Barcia and Brown introduced

Senate Bill No. 957, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811o. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Hardiman, Allen, Birkholz, Jelinek, Stamas, Johnson, Kuipers, Sikkema, Hammerstrom, Cropsey, Bishop, Garcia, Goschka, George, Gilbert, Patterson, Van Woerkom, Cassis, McManus, Schauer, Clark-Coleman, Clarke, Barcia and Brown introduced

Senate Bill No. 958, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m.

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

House Bill No. 5148, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9501 and 9525 (MCL 440.9501 and 440.9525), section 9501 as amended and section 9525 as added by 2000 PA 348.

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 Economic Development, Small Business and Regulatory Reform.

House Bill No. 5307, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

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. 5375, 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 10e (MCL 247.660e), as amended by 1998 PA 87.

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

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

Committee Reports

The Committee on Transportation reported

House Bill No. 4927, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217o and 217p.

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.

Judson Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: None

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

The Committee on Transportation reported

House Bill No. 4463, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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.

Judson Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, February 3, 2004, at 1:09 p.m., Room 100, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 3, 2004, at 3:00 p.m., Room 100, Farnum Building

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

Scheduled Meetings

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)
(CANCELED)

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 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)

Appropriations, Joint Senate/House - Thursday, February 12, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, February 5, 2:00 p.m., Room 210, Farnum Building (373-6920)

Government Operations - Tuesday, February 10, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-0797)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:33 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 5, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate