

No. 22
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, March 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 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

Reverend Molly Turner of First United Methodist Church of Grand Ledge offered the following invocation:

O God of all people, all faiths, and all nations, O One from whom we seek guidance for all of life's decisions, we give You praise for a new morning to glorify You and to celebrate Your presence in our midst.

We pray for those whom You have led to leadership in our state this day. We pray for all persons here seated and for our Governor and for all who are in the House. Grant them wisdom in the decisions that they make on behalf of others. May these leaders be led by Your wisdom. May they see clearly Your will.

Grant that they may hear the aspirations of others on behalf of children, special needs adults, senior citizens, and all citizens within their jurisdiction. Guide them as they work toward making our state of Michigan a safe and healthy place to live and a place where many can enjoy its natural beauty.

Guide these leaders as they make daily budget decisions, decisions which affect the education of children, youth, and young adults and decisions which affect the safety of all persons seeking a just and righteous world.

Sustain them in their busy schedules that they have time to be nurtured by their families and close friends, that they have time for silence and renewal, and for laughter and joy.

We offer also our prayers for those who are staff to each of these persons gathered here. Bless the needs of all who have illness or sorrow or troubles within their lives these days. Give to them comfort and grace.

Give light and truth, wisdom and peace for this day and for the days to come to these, Your leaders. O God of all faiths, we give You thanks and praise for all that we will be this day. 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:
Department of Consumer and Industry Services

February 25, 2004

Pursuant to Section 311 of PA 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report#</u>	<u>License#</u>
Special Investigation Report	Sequoiah Center	2004C0207001	CS470201401
License Study Report	Arbor Heights		CS810200952
	Community Justice Center		

This report was performed in compliance with the requirements of PA 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Inside CIS" at the following address: <http://www.michigan.gov/cis/>. If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
Allan R. Pohl, Director
Finance and Administrative Services

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

February 27, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Criminal Investigation Programs, Michigan Department of State Police.

March 1, 2004

Enclosed is a copy of the following audit report:
Financial Related audit of the Use of Transportation-Related Funding.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 2, for her approval the following bills:

Enrolled Senate Bill No. 588 at 10:20 a.m.
Enrolled Senate Bill No. 703 at 10:22 a.m.
Enrolled Senate Bill No. 842 at 10:24 a.m.
Enrolled Senate Bill No. 681 at 10:26 a.m.
Enrolled Senate Bill No. 843 at 10:28 a.m.

Senators Garcia and Bernero entered the Senate Chamber.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Commission of Natural Resources

Mr. Gerald R. Hall, Jr., a Democrat, of 13122 Bird Road, Gaines, Michigan 48436, county of Genesee, succeeding Paul J. Eisele, whose term has expired, for a term commencing January 6, 2003 and expiring December 31, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

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. 474

The motion prevailed.

The following bill was announced:

Senate Bill No. 840, entitled

An act to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

(For veto message, see Senate Journal No. 107 of 2003, p. 2377.)

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

March 2, 2004

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 2 of 1885 PA 70, MCL 390.352.

Michigan Technological University Board of Control

Russell A. Gronevelt, Jr., of 11648 Paciocco Court, Plymouth, Michigan 48170, county of Wayne, succeeding A. Douglas Rothwell, who has resigned, for a term commencing March 4, 2004 and expiring December 31, 2010.

Sincerely
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Commission of Natural Resources

Mr. Gerald R. Hall, Jr., a Democrat, of 13122 Bird Road, Gaines, Michigan 48436, county of Genesee, succeeding Paul J. Eisele, whose term has expired, for a term commencing January 6, 2003 and expiring December 31, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

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. 92**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

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:

Senate Bill No. 885, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32j (MCL 388.1632j), as added by 2003 PA 158.

Senate Bill No. 839, entitled

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

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 amendment, the following bill:

House Bill No. 5434, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

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

1. Amend page 2, line 4, after "**electronically.**" by striking out "**The**" and inserting "**For the tax year that begins on or after January 1, 2003 and before January 1, 2004 only, the**".

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. 5440, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 80 (MCL 208.80), as added by 1985 PA 139.

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

1. Amend page 1, line 8, after "**(2)**" by striking out "**The**" and inserting "**For the tax year that begins on or after January 1, 2003 and before January 1, 2004 only, the**".

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. 4178, entitled

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

Substitute (S-1).

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

1. Amend page 2, line 21, after "he" by inserting "or she".

2. Amend page 6, line 7, after "act" by striking out "takes effect" and inserting "is retroactive and is effective".

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

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

Senate Bill No. 829, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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

1. Amend page 2, line 4, after "**2004,**" by striking out the balance of the bill and inserting "**both of the following apply:**

(a) **One candidate shall be elected for a term of 8 years for that election only and 1 candidate shall be elected for a term of 6 years.**

(b) **The names of the candidates seeking election to an 8-year term shall be listed separately on the ballot from the candidates seeking election to a 6-year term.**"

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:

Senate Bill No. 874, entitled

A bill to amend 1998 PA 492, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions," by amending section 3.

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

1. Amend page 2, line 25, after the second "**the**" by striking out "**2003**" and inserting "**2004**".

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:

Senate Bill No. 804, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

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

1. Amend page 2, following line 25, by inserting:

"(5) As used in this section, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions."

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.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

House Concurrent Resolution No. 38.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Northern Michigan University relative to the Northern Michigan University Student Services Building.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 93

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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 39.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Northern Michigan University relative to the Northern Michigan University Fine and Practical Arts Project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 94**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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 40.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Mid Michigan Community College relative to the Mid Michigan Community College Student Assessment Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 95**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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 41.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan Technological University relative to the Michigan Technological University Center for Integrated Learning and Information Technology Project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 96

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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 42.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Community College District of Monroe County relative to the Community College District of Monroe County Instructional Center for Business Training and Performing Arts Building.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 97**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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 43.

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 98

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

Senators Cassis, Cherry, Switalski and Allen were named co-sponsors of the concurrent resolution.

Senators Basham, Clark-Coleman, Prusi, Schauer, Cherry, Olshove, Emerson, Scott, Thomas and Clarke offered the following concurrent resolution:

Senate Concurrent Resolution No. 40.

A concurrent resolution to express support for the aims of the Continued Dumping and Subsidy Offset Act and the efforts of the President and the Congress of the United States to oppose a recent ruling of the World Trade Organization.

Whereas, Across our country, the loss of manufacturing jobs has caused significant damage to the American economy and threatened many families and workers. Nowhere has the loss of manufacturing jobs been more acute than in Michigan. While there are clearly many components of this problem, a significant and growing source of concern is the impact that unfair trade practices have through the products that are subsidized by other nations and dumped on the American markets; and

Whereas, In appropriate recognition of the problems created by subsidized and dumped goods, the Congress and the President of the United States enacted into law the Continued Dumping and Subsidy Offset Act (CDSOA) in 2000. This legislation, commonly referred to as the Byrd Amendment, allows American companies to receive fines collected by federal agents on unfairly traded imported products. The money so collected has been an effective element of the effort to identify and combat predatory trading practices; and

Whereas, In January 2003, the World Trade Organization Appellate Body ruled that the CDSOA violated our country's WTO obligations. Members of Congress, with bipartisan support, have strongly objected to this decision. They have cited the importance of the \$700 million in fines that have been collected and distributed to American businesses that have gone on to file and win trade cases in several industries; and

Whereas, The CDSOA has been a positive development in the work to bring greater fairness to trade. It has helped American workers and businesses in a wide variety of industries, ranging from traditional manufacturing to agriculture and from textiles to fisheries. The World Trade Organization's decision does not advance the cause of fair trade; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express support for the aims of the Continued Dumping and Subsidy Offset Act and the efforts of the President and the Congress of the United States to oppose the recent ruling of the World Trade Organization that found that, because of this legislation, our country has violated its World Trade Organization obligations; and be it further

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

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Commerce and Labor.

The motion prevailed.

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 1052, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Senator Johnson introduced

Senate Bill No. 1053, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Senator Johnson introduced

Senate Bill No. 1054, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Johnson introduced

Senate Bill No. 1055, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced

Senate Bill No. 1056, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senator Johnson introduced

Senate Bill No. 1057, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Johnson introduced

Senate Bill No. 1058, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senator Johnson introduced

Senate Bill No. 1059, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced

Senate Bill No. 1060, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced

Senate Bill No. 1061, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2005; 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. 1062, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2005; 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. 1063, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced
Senate Bill No. 1064, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Senator Johnson introduced
Senate Bill No. 1065, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced
Senate Bill No. 1066, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced
Senate Bill No. 1067, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2005; and to provide for the expenditures 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. 1068, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced
Senate Bill No. 1069, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

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

Senators Brater, Jacobs, Bernero, Cherry and George introduced
Senate Bill No. 1070, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 85 to chapter VII.

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

Senators Brater, Jacobs, Bernero, Cherry and George introduced

Senate Bill No. 1071, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 208 (MCL 330.1208), as amended by 1995 PA 290.

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

Senator Switalski introduced

Senate Bill No. 1072, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7 (MCL 390.1457), as amended by 2002 PA 736.

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

Statements

Senator Scott stated that had she been present on February 24 when the votes were taken on the passage of the following bills, she would have voted "yea":

House Bill No. 4675

Senate Bill No. 241

Senator Scott stated that had she been present on February 25 when the vote was taken on the passage of the following bill, she would have voted "yea":

House Bill No. 5199

Senator Scott stated that had she been present on February 25 when the vote was taken on the passage of the following bill, she would have voted "nay":

Senate Bill No. 788

Senator Scott stated that had she been present on March 2 when the votes were taken on concurring in the House substitute/amendments to the following bills, she would have voted "yea":

Senate Bill No. 506

Senate Bill No. 502

Senate Bill No. 57

Senate Bill No. 500

Senate Bill No. 498

Senate Bill No. 497

Senate Bill No. 499

Senate Bill No. 715

Senate Bill No. 557

Senator Scott stated that had she been present on March 2 when the votes were taken on the passage of the following bills, she would have voted "yea":

House Bill No. 5234

House Bill No. 5235

Committee Reports

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 217, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270,

273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 601, 602, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.601, 280.602, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, sections 275, 278, and 280 as amended by 2002 PA 406, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 323 as amended by 2002 PA 353, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, 616, and 617; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: Senator Brater

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, February 26, 2004, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, March 2, 2004, at 12:04 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Tuesday, March 2, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senator Jelinek (C), Stamas and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 2, 2004, at 3:00 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:

Meeting held on Tuesday, March 2, 2004, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Cropsey (C), Brown, Garcia, Switalski and Prusi

Scheduled Meetings**Appropriations -****Subcommittees -**

Commerce, Labor and Economic Development - Wednesday, March 10, 3:00 p.m., Room 110, Farnum Building (373-2420)

Community Colleges - Tuesdays, March 9, 1:00 p.m. (CANCELED), and March 16, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Thursdays, March 4 and March 18, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Environmental Quality Department - Wednesdays, March 10 and March 17, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Fridays, March 5, 10:00 a.m., Cornerstone University, Grand Rapids; and March 12, 9:00 a.m., Lake Superior State University, Sault Ste. Marie (373-1760)

Judiciary and Corrections - Tuesdays, March 9 and March 16 (CANCELED), 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Wednesday, March 10, 2:00 p.m. or later immediately following Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Natural Resources Department - Tuesdays, March 9 and March 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, March 4, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Education - Thursday, March 4, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:08 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate