

No. 29
STATE OF MICHIGAN
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92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, March 18, 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—excused

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 Valde Garcia of the 22nd District offered the following invocation:

Our Father, we thank You once again for this day that You have given to us. We thank You for our country and the freedoms that You have bestowed upon us. We ask today that You'll be with us, watch over us, and give us patience and understanding with one another. We pray for our leaders, our President, and our Governor. Guide them as they make decisions. Please give us wisdom today, for it's in Jesus' 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

Senator Patterson entered the Senate Chamber.

Senator Schauer moved that Senators Bernero and Emerson be temporarily excused from today's session. The motion prevailed.

Senator Emerson entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 17:
House Bill Nos. 4654 5368 5369 5370 5371 5372 5373 5416 5545 5641

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 18:
House Bill Nos. 4338 5259 5262

The Secretary announced that the following official bills were printed on Wednesday, March 17, and are available at the legislative Web site:

Senate Bill Nos. 1095 1096 1097 1098 1099

**House Bill Nos. 5644 5645 5646 5647 5648 5649 5650 5651 5652 5653 5654 5655 5656 5657
5658 5659 5660 5661 5662**

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 bill:

House Bill No. 5280, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1305. The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 647, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 6 and 29 (MCL 408.1006 and 408.1029) and by adding section 32.

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. 137

Yeas—21

Allen
Birkholz

George
Gilbert

Jelinek
Johnson

Sanborn
Sikkema

Bishop
Brown
Cassis
Garcia

Goschka
Hammerstrom
Hardiman

Kuipers
McManus
Patterson

Stamas
Toy
Van Woerkom

Nays—15

Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Emerson
Jacobs

Leland
Olshove
Prusi
Schauer

Scott
Switalski
Thomas

Excused—2

Bernero

Cropsey

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 647 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Schauer’s first statement is as follows:

I voted against Senate Bill No. 647 in committee and will be voting “no” on this bill on the floor because it weakens MIOSHA and would actually endanger Michigan workers.

Colleagues, there are 58,504 reasons to vote against this bill. That’s how many Michigan workers were injured on the job last year in Michigan. If that’s not enough, there are another 19,108 reasons to vote against this bill. That’s how many violations of workplace safety rules MIOSHA found last year. Most importantly, there are 51 reasons to vote against this bill. That’s how many Michigan workers were killed on the job last year.

Colleagues, this bill tries to fix the wrong problem. The problem is that far too many workers are being hurt and killed on the job. A worker dying every week is simply not acceptable.

The definition of what is a “wilful violation” is already well-established in case law, and this bill would significantly weaken it. I encourage all of my colleagues to say “yes” to keeping working people safe and “no” to this bill.

Senator Schauer’s second statement is as follows:

I certainly support the good intentions of the sponsor and the previous speaker. I admittedly am not a lawyer, although sometimes I wonder if I should be, but I can read. I’ve read this bill and also read a communication from the federal Occupational Safety and Health Administration, in which they express their agreement about our concerns of the definition of “wilful violation,” and express that this bill would be inconsistent with case law, which is very settled and very clear on this issue.

There is no due process question. That was settled some time ago. While I wish all of the parties concerned about this issue could have reached agreement, that did not occur because of the problems imbedded in this bill. While it is well-intentioned, it does miss the target and regretfully would have some negative consequences for workers and workplace safety in our state, so I would urge a “no” vote.

The following bill was read a third time:

Senate Bill No. 847, entitled

A bill to amend 2002 PA 440, entitled “An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance,” by amending sections 3 and 4.

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. 138

Yeas—36

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

Nays—0

Excused—2

Bernero	Cropsey
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Bernero entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5386, entitled

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county.

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. 139

Yeas—37

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

Brater
Brown
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Cropsey

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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5190, entitled

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

The 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. 140

Yeas—21

Allen
Birkholz
Bishop
Brown
Cassis
Garcia

George
Gilbert
Goschka
Hammerstrom
Hardiman

Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—16

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove
Prusi

Schauer
Scott
Switalski
Thomas

Excused—1

Cropsey

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. The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

Senator Gilbert offered the following resolution:

Senate Resolution No. 228.

A resolution to call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border-crossing streamlining and safety.

Whereas, Michigan and Ontario share several of the busiest international crossing points along our common border. In addition to the large volume of passenger cars and individuals, commercial vehicles and railroad traffic reflect the strong economic partnership between our nations. The friendship we enjoy with our Canadian neighbors extends to our mutual concerns for safety, efficiency, and vigilance in the face of shared threats; and

Whereas, In view of increasing international trade, homeland security concerns, and business interests, the need to communicate on matters as far-reaching as infrastructure, worker access, security, and commercial concerns is more important than at any time in our history. In addition to dealing with problems, our state and provincial governments should do all we can to work together and harmonize border-related policies and regulations; and

Whereas, Both sides of the border are strongly dependent upon the swift and safe transport of goods and people between our countries. Increasing the speed of crossings and increasing cooperation are steps that ultimately will provide great benefit to businesses of all types and sizes. The smooth and swift transport of goods is a key component of keeping down businesses costs, which is essential to economic development and job creation. Assuring smooth border crossings will foster business growth in a region that is clearly at the forefront of international trade; and

Whereas, In spite of the seriousness and number of issues surrounding our shared border crossings, there is no formal group that exists to deal directly with the unique concerns of the Michigan-Ontario border crossings. A structure is needed to encourage dialogue, resolve problems, and anticipate issues as expeditiously as possible. With all that depends upon the smooth and safe movement of people and goods across our borders, the establishment of a Michigan-Ontario commission on border-crossing issues is long overdue; now, therefore, be it

Resolved by the Senate, That we call on the Governor to work with the Premier of Ontario to create a Michigan-Ontario commission on border-crossing streamlining and safety; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Barcia, Birkholz, Garcia, Goschka, Olshove, Prusi, Sanborn, Switalski and Van Woerkom were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I would like to thank everyone who has sent me e-mails or just said to me "thank you; stay strong." I am strong and will continue to be strong because I am working for the people, and God will continue to give me the strength to do that.

So I am asking my colleagues again, and I will continue to ask you, to take up the bills so that we will have the opportunity to present our case to you as to why we should be able to have the affordable insurance rates that so many others have the privilege of having. We just don't decide that we take care of part of the people in the city of Michigan, but that we take care of all people, and that we understand that each one of us have a district here to represent our constituents and to serve them to the best of our ability. Our colleagues should understand that because we all have to work together in order that we can do the job that is necessary for the reason why we came here. I just want to remind my colleagues that it's not about us; it's about those whom we serve, and we need to serve them to the best of our ability.

So, Mr. President, I just want my colleagues who are chairing those committees to know my bills are there and other insurance bills. Please take those up immediately so that we can have some hearings on them. So, again, thank you for the opportunity.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 1103, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2003 PA 139.

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

Senators Johnson and Emerson introduced

Senate Bill No. 1104, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2003 PA 168.

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

Senators Johnson and Emerson introduced

Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2152, 2153, and 2154 (MCL 324.2152, 324.2153, and 324.2154), as added by 1995 PA 60.

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

Senator Johnson introduced

Senate Bill No. 1106, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies 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. 1107, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies 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. 1108, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies 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.

Senators Barcia, Schauer, Allen, Bernero, Goschka, Hardiman, Olshove and Basham introduced

Senate Bill No. 1109, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

Senator Switalski introduced

Senate Bill No. 1110, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 35 (MCL 791.235), as amended by 1998 PA 315.

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

Senators Switalski and Emerson introduced

Senate Bill No. 1111, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 11 (MCL 141.911), as amended by 2003 PA 168.

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

Senators Switalski and Emerson introduced

Senate Bill No. 1112, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as added by 1993 PA 313.

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

Senators Clarke, Emerson and Leland introduced

Senate Bill No. 1113, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 32, 33, 52, and 56 (MCL 205.232, 205.233, 205.252, and 205.256), sections 32, 33, and 52 as added by 1993 PA 54 and section 56 as amended by 1998 PA 277, and by adding section 32a.

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

Senators George, Birkholz, Van Woerkom, Bernero, Allen, Patterson, Toy, Brown, Jelinek, Gilbert, Switalski, Kuipers, Goschka, McManus, Hardiman, Brater and Barcia introduced

Senate Bill No. 1114, entitled

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes; and to prescribe penalties and provide remedies.

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

Senators George, Garcia, Patterson, Allen, Birkholz, Cherry, Toy, Brown, Jelinek, Gilbert, Switalski, Kuipers, Goschka, McManus and Brater introduced

Senate Bill No. 1115, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; 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 Economic Development, Small Business and Regulatory Reform.

Senators Van Woerkom, Bishop, Gilbert, Garcia, Birkholz, Allen and Toy introduced

Senate Bill No. 1116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

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

Senators Bishop, Johnson, Thomas, Garcia, Birkholz and Allen introduced

Senate Bill No. 1117, 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 Economic Development, Small Business and Regulatory Reform.

Senator Sanborn introduced

Senate Bill No. 1118, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j.

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

Senator Gilbert introduced

Senate Bill No. 1119, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 603 and 733 (MCL 257.603 and 257.733), section 603 as amended by 1996 PA 587 and section 733 as amended by 1994 PA 50.

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

House Bill No. 4338, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373 and 613 (MCL 380.373 and 380.613), section 373 as amended by 2000 PA 230 and section 613 as amended by 2003 PA 299, and by adding sections 614a, 619, 620, and 1107.

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 Education.

House Bill No. 4654, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 3b.

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 Families and Human Services.

House Bill No. 5259, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

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 Families and Human Services.

House Bill No. 5262, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 161a.

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 Families and Human Services.

House Bill No. 5368, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," (MCL 400.231 to 400.240) by adding section 12. 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 Families and Human Services.

House Bill No. 5369, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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 Families and Human Services.

House Bill No. 5370, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278.

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 Families and Human Services.

House Bill No. 5371, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding section 517f.

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 Families and Human Services.

House Bill No. 5372, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 31 (MCL 552.631), as amended by 2002 PA 567.

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 Families and Human Services.

House Bill No. 5373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

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 Families and Human Services.

House Bill No. 5416, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending the title and section 11 (MCL 30.411), the title as amended by 1990 PA 50 and section 11 as amended by 2002 PA 132.

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. 5545, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

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

House Bill No. 5641, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 17 (MCL 46.17); 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 Local, Urban and State Affairs.

Committee Reports

The Committee on Families and Human Services reported

House Bill No. 5119, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. With the recommendation that the bill pass.

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

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

House Bill No. 5117, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531. With the recommendation that the bill pass.

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

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, March 16, 2004, at 3:00 p.m., Room 210, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 977, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3111b.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson and Van Woerkom

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 214.

A resolution to urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River.

(For text of resolution, see Senate Journal No. 14, p. 191.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River.

Whereas, The recent accidental release of more than 40,000 gallons of chemical solvents from an oil plant near Sarnia, Ontario, has again focused attention on the vulnerability of the water supply in this highly populated area. While steps for notification have at times proven effective in preventing serious public health situations, the fact remains that there is considerable risk to area residents due to the frequency of spills of harmful materials; and

Whereas, Since 1986, there have been more than 700 spills into the St. Clair River. Some have been accidents involving substances capable of causing serious harm. With the number of water intake facilities along the river and lake, it seems imperative to develop an additional means of safeguarding citizens to supplement the notification processes that are in place; and

Whereas, Developing a real-time monitoring system at strategic locations along Lake St. Clair and the St. Clair River could provide a higher level of protection. Doing so could eventually benefit other vulnerable areas of our state and the Great Lakes network; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River to protect people and the environment from spills of harmful materials; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Environmental Quality and the Office of the Great Lakes.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 16, 2004, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Commerce and Labor reported

Senate Bill No. 1032, entitled

A bill to amend 1994 PA 55, entitled "Confidential research information act," by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

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.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 16, 2004, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Health Policy reported

House Bill No. 4179, entitled

A bill to amend 2000 PA 499, entitled "Elder prescription insurance coverage act," by amending section 3 (MCL 550.2003).

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson and Jacobs

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5184, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 13, 22, and 36 (MCL 400.713, 400.722, and 400.736), sections 13 and 22 as amended by 1994 PA 150 and section 36 as added by 1984 PA 140, and by adding section 34a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom

Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 17, 2004, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Wednesday, March 17, 2004, at 12:05 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Goschka and Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, March 17, 2004, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Johnson, Brown, Switalski and Scott

Scheduled Meetings

Appropriations - Tuesday, March 23; Wednesday, March 24; and Thursday, March 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Family Independence Agency - Thursdays, March 25 and April 1, 8:30 a.m., Room 210, Farnum Building (373-1801)

State Police and Military Affairs - Tuesdays, April 20, April 27, May 4 and May 11, 1:00 p.m., Room 405, Capitol Building (373-5932)

Health Policy - Wednesday, March 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Michigan Capitol Committee - Tuesday, March 23, 12:00 noon, Room E-41, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:42 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 23, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate