

No. 35
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, April 1, 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 Assistant Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Reverend David W. Meister of First United Methodist Church of Buchanan offered the following invocation:

O gracious God, we thank You for our elected state Senators. We pray this morning that You will continue to grant them wisdom, discernment, guidance, and direction. Help them to know what is best not only for their constituents, but for the state of Michigan.

This morning I not only pray for the Senate, but also for the House, the judicial branch, the executive branch, and for Governor Jennifer Granholm. I ask that You guide and direct her leadership as well, especially the difficult decisions that she has had to make and will continue to make.

We pray this morning for those living in our state who are disillusioned, who are broken, or disenchanted or at times confused. We pray for the poor among us, the homeless, those struggling, God, and those who are unemployed. We also want to lift up a prayer today for the 15 percent of our children in our state who are being raised by relatives and especially those who are grandparents like my wife and myself, who are busy raising our grandkids. We pray for those, others who unlike Denise and I, are on low, fixed incomes, without insurance, and who have significant medical concerns. So help them, God, and help the children in our state, especially those who are falling through the cracks. We certainly lift up the efforts of our Family Independence Agency and other groups in our state. Help us to leave no child behind in our state, God.

Lead us, God, especially these Senators into the future ever mindful of the pain amongst us. Help them to make good choices realizing that their votes and their choices will have significant consequences for years to come. As we approach Holy Week this coming Sunday, we are reminded of Christ's passion. So give us all the faith of hope, a resurrection of faith, believing all the while that God is in control and that You love each and every one of us in this chamber, God. Certainly, I pray a special blessing upon our elected Senators, that they have a good recess and that they enjoy their break in the next couple of weeks.

All this I pray in Christ's name. Amen.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:33 a.m.

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

During the recess, Senators Hardiman, Emerson, Brown, Birkholz, Gilbert, Patterson, Sikkema, Stamas, Allen, Barcia, Kuipers, Cropsey, Toy, Van Woerkom, George, Cassis, Bishop, Sanborn, McManus, Goschka, Thomas and Garcia entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Bernero 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 10:34 a.m.

10:49 a.m.

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

During the recess, Senator Bernero introduced the Everett High School Boys Basketball Team, 2004 Class A State Champions, Coach Johnny Jones, Athletic Director Cindy Short, and Principal Dale Glynn; and presented them with a Special Tribute.

Principal Glynn, Coach Jones and Athletic Director Short responded briefly.

The following communication was received:
Department of Transportation

April 1, 2004

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2003.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely,
Gloria J. Jeff
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, March 31:
House Bill No. 5094

The Secretary announced that the following official bills were printed on Wednesday, March 31, and are available at the legislative Web site:

Senate Bill Nos.	1129	1130	1131	1132	1133	1134	1135	1136						
House Bill Nos.	5708	5709	5710	5711	5712	5713	5714	5715	5716	5717	5718	5719	5720	5721
	5722	5723	5724	5725	5726									

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bills:

Senate Bill No. 824

House Bill No. 4472

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4929

House Bill No. 5200

House Bill No. 5365

House Bill No. 5641

House Bill No. 5087

Senate Bill No. 1100

The motion prevailed.

The following bill was read a third time:

House Bill No. 4929, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

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. 204**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Allen

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 the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5200, entitled

A bill to designate October 18 of each year as Willie Horton Day in the state of Michigan.

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. 205**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
Cassis
Cherry

Goschka
Hammerstrom
Hardiman

Patterson
Prusi

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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw 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. 206

Yeas—38

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 207

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.

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5087, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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. 208

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 provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1100, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

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. 209

Yeas—38

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
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 Schauer offered the following resolution:

Senate Resolution No. 237.

A resolution to express strong opposition to the outsourcing of American jobs to other countries.

Whereas, More than other states, Michigan understands the impact of the outsourcing of American jobs to other countries. Thousands of families across our state, as well as throughout our entire country, are suffering as a result of jobs being lost to countries with far different standards for workers and environmental concerns; and

Whereas, Although the outsourcing of American jobs has for many years been a trend associated with manufacturing, advances in technology have facilitated the outsourcing of jobs in many other fields. Worries over possible job losses now also haunt service sector workers, including those in high technology jobs and financial service positions. This shift is a major contributor to the problems facing our state and country and the burdens being borne by families and communities; and

Whereas, Outsourcing jobs overseas is impeding economic recovery in the short term and jeopardizing the long-term strength of our country in specific sectors of the economy. Many people have questioned the wisdom of moves that may leave the United States with insufficient capabilities to make certain types of products, including those which are vital to homeland security and our nation's defense. Clearly, the issue of outsourcing must be addressed at every level of both private and public sector decision making; now, therefore, be it

Resolved by the Senate, That we express our strong opposition to the outsourcing of American jobs to other countries; and be it further

Resolved, That copies of this resolution be transmitted to 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 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, Basham, Bernero, Brater, Cherry, Clark-Coleman, Clarke, Emerson, Goschka, Jacobs, Jelinek, Leland, Olshove, Prusi, Scott, Switalski and Thomas were named co-sponsors of the resolution.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 42.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, April 1, 2004, it stands adjourned until Tuesday, April 20, 2004, at 10:00 a.m. for the Senate and 1:00 p.m. for the House of Representatives.

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 concurrent resolution was adopted.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 1139, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 904g. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Switalski, Leland and Jacobs introduced

Senate Bill No. 1140, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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

Senator Cropsey introduced

Senate Bill No. 1141, entitled

A bill to amend 1994 PA 27, entitled "Drug dealer liability act," by amending section 3 (MCL 691.1603).

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

Senators Bernero and Leland introduced

Senate Bill No. 1142, entitled

A bill to provide for the transfer between state departments of certain state property in Ingham and Clinton counties.

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

Senator Leland introduced

Senate Bill No. 1143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2001 PA 31.

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

Senator Emerson introduced

Senate Bill No. 1144, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

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

Senators Switalski, Basham and Leland introduced

Senate Bill No. 1145, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 108 (MCL 559.208), as amended by 2002 PA 283.

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. 5094, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 613a (MCL 257.613a).

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.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 806

Senate Bill No. 350

Senate Bill No. 206

The motion prevailed.

Senate Bill No. 106, entitled

A bill to designate an official state symbol for clean water in this state.

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

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 307, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 662, 727, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.662, 168.727, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, and 393 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509n as amended by 2003 PA 302, section 509t as amended by 1998 PA 21, section 662 as amended by 2004 PA 13, section 727 as amended by 1995 PA 261, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House Substitute (H-5), agreed to the title as amended and pursuant to Joint Rule 20, inserted the full title.

Senator Hammerstrom moved that the bill be given immediate effect.

On which motion Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 210**Yeas—31**

Allen	Cropsey	Jelinek	Schauer
Barcia	Garcia	Johnson	Sikkema
Bernero	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	

Nays—6

Basham	Clark-Coleman	Emerson	Leland
Brater	Clarke		

Excused—0**Not Voting—1**

Scott

In The Chair: President

The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 990, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

The House of Representatives has amended the bill as follows:

- 1. Amend page 1, line 5, after "the" by inserting "supreme".
- 2. Amend page 2, following line 9, by inserting:

"Enacting section 1. (1) Except as provided in subsection (2), this amendatory act applies to civil actions filed on or after the effective date of this amendatory act.

(2) This amendatory act does not apply to a cause of action if the statute of limitations or repose for that cause of action has expired before the effective date of this amendatory act."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 211

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.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 612, 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 added by 2000 PA 141.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 212

Yeas—33

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

Nays—4

Allen	Gilbert	Kuipers	Sikkema
-------	---------	---------	---------

Excused—0

Not Voting—1

Emerson

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 as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Garcia’s statement is as follows:

I want to thank the bill sponsor for concurring with what the House did. I think it is a much better bill than when it left the Senate. It does provide good service. What this bill does is allows good service to be provided to our constituents. I realize it does help employ some small business owners, but I have had some real difficulty with this bill because it pits, really, my senior citizens against many of my small business owners. Because of that, I have had some real struggles with this, but I will vote for this bill because my senior citizens and others tell me it is a good program; it’s a good bill. But I just feel compelled to say that I am afraid we have these issues that pit good, hardworking people like small business owners against senior citizens. It makes it difficult.

Senate Bill No. 1018, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

(For text of amendments, see Senate Journal No. 34, p. 570.)

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 213

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.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Recess

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

The motion prevailed, the time being 11:40 a.m.

11:58 a.m.

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

The House of Representatives returned, in accordance with the request of the Senate

Senate Bill No. 824, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

Senator Hammerstrom moved to reconsider the vote by which the House substitute was concurred in.

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

Senator Hammerstrom moved to reconsider the vote by which the substitute to the House substitute was adopted.

The motion prevailed.

Senator Hammerstrom moved to reconsider the vote by which the second amendment to the substitute offered by Senator Sikkema was adopted.

The motion prevailed.

The question being on the adoption of the amendment,

Senator Sikkema withdrew the amendment.

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 14, following line 6, by inserting:

“(g) A condition that if the eligible business qualified under section 8(5)(b)(ii) and met the section 8(1)(g) requirement by filing a chapter 11 plan of reorganization, the plan must be approved by the bankruptcy court within 2 years of the date of the agreement or the agreement is rescinded.”.

The amendment to the substitute was adopted.

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 11, line 2, after “sound” by inserting **“or has submitted a chapter 11 plan of reorganization to the bankruptcy court”.**

The amendment to the substitute was adopted.

The substitute, as amended, was adopted.

The question being on concurring in the House substitute, as substituted,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 214

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 Schauer and Jacobs moved that they be named co-sponsors of the following bill:

Senate Bill No. 824

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4472, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

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

Senator Hammerstrom moved that the following bill be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4472

The motion prevailed.

The following bill was announced:

House Bill No. 4472, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2000 PA 415.

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Cropsey offered the following substitute:

Substitute (S-1).

The substitute was adopted, a majority of the members serving voting therefor.

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. 215

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I would like to certainly wish my colleagues a wonderful Easter break. I hope you have a safe and happy Easter break and that we remember what Easter is really all about.

While you are on your break, as you go about your district, I would hope that you would talk with some of your constituents about the insurance issues, so that when you come back, you will know that it's not just Detroit, that it is all over this state, and we truly do need to deal with my bills when we return. I would hope that the chair of the committee would take up those bills immediately so that we can give all of our people a better quality of life. With the high insurance rates and all of the other issues that they have to deal with, such as food, medicine, and hopefully, they won't have to deal too much longer with the DTE energy bills. Hopefully, summer will come, and it will be nice and warm for us.

So, anyway, I wish you all well, and just keep me in mind. Have a great vacation.

Senator Switalski's statement is as follows:

Allow me to introduce my constituents: Jatinder Batra, Navjot Batra, Harpreet Singh, Amervit Singh, Harninder Singh, Kanwardip Singh, and Gurjeet Bhugra. They are members of the Sikh church who are my guests at the Capitol today. They are here to receive a resolution honoring the 400th anniversary of the establishment of the Guru Granth Sahib, the Sikh scripture at the Golden Temple.

The Sikh religion is the youngest of the religions originating in the South Asian subcontinent and is the fifth largest religion in the world. The majority of its 25 million followers still live in Punjab, the northwest region of India, although Sikh communities now exist on every continent. There are about half a million Sikhs in the United States, most having immigrated in the last 30 years.

The Sikh faith regards all people to be equal. Accordingly, it rejects distinctions based on caste, color, ethnicity, gender, creed, or any other consideration. Sikhs emphasize prayer, honest living, hard work, and sharing the fruits of their labor with others.

The Sikh religion was founded by Guru Nanak, who was born in 1469. The word "guru" has special significance in the Sikh religion. Guru Nanak is regarded as the one in complete union with God in bringing God's message for the spiritual elevation of mankind. Followers are guided by the Granth Sahib, or holy book.

I ask my colleagues to please welcome these friends today as we commemorate the 400th anniversary of the Guru Granth Sahib's establishment at the Golden Temple.

Committee Reports

The Committee on Judiciary reported
House Bill No. 5466, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2000 PA 54.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1051, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

Senate Resolution No. 202.

A resolution to amend the Standing Rules of the Senate.

(For text of resolution, see Senate Journal No. 105 of 2003, p. 2223.)

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

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.102 of the Standing Rules of the Senate be hereby amended to read as follows:
"3.102 ORDER OF BUSINESS

The order of business of the Senate shall be as follows:

1. Call to Order
2. Invocation

3. Pledge of Allegiance **and, on the first and last days of session each year and at the State of the State address, the Pledge of Allegiance to the Flag of Michigan**

4. Roll Call
5. Motions and Communications
6. Messages from the Governor
7. Messages from the House
8. Conference Reports
9. Third Reading of Bills
10. General Orders
11. Resolutions
12. Introduction and Referral of Bills
13. Statements
14. Adjournment”.

Kenneth R. Sikkema
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, March 30, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Judiciary reported

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Thursdays, April 22, April 29, May 6, May 13 and May 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Family Independence Agency - Thursday, April 22, 8:30 a.m., Room 210, Farnum Building (373-1801)

General Government - Tuesdays, April 27, May 4, May 11 and May 18, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

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)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursdays, April 22 and April 29, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Transportation Department - Tuesdays, April 20, April 27, May 4, May 11 and May 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:23 p.m.

Pursuant to Senate Concurrent Resolution No. 42, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 20, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

