

No. 44
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, May 6, 2004.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

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

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

Senator Michael Switalski of the 10th District offered the following invocation:

Good Morning, Lord. And what a splendid morning it is. This is one of Your best efforts in recent weeks. We want You to know we appreciate it, and we encourage You in that direction.

It's just a suggestion, but why don't You send that cold and rainy stuff out to California? Instead of complaining, they'd actually thank You for it.

That's a funny thing about a lot of Your gifts. There are two sides to them. You've made us free. You've given us the ability to make choices. We wouldn't have it any other way. It's what makes life worth living. But sometimes we make the wrong choices. Sometimes we lose our way.

In Your own way, remind us of what is best in us. Give us the courage to correct ourselves when we are wrong, to repair what is damaged, and to find redemption and forgiveness.

One last thing. My son's soccer team has lost 11 straight games. We have three games this weekend. One win would be nice. Amen.

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

Motions and Communications

Senator Schauer moved that Senators Barcia and Bernero be temporarily excused from today's session.

The motion prevailed.

Senators Bernero and Garcia entered the Senate Chamber.

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 10:07 a.m.

10:14 a.m.

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

During the recess, Senator Bernero introduced the Michigan State University Debate Team, 58th National Debate Tournament Champions.

Coach Will Repko responded briefly, and Senator Bernero presented them with Senate Resolution No. 251.

During the recess, Senator Barcia entered the Senate Chamber.

The Secretary announced that the following official bills were printed on Wednesday, May 5, and are available at the legislative Web site:

Senate Bill Nos. 1181 1182

House Bill Nos. 5846 5847 5848 5849 5850 5851 5852

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
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
The motion prevailed.

The following message from the Governor was received and read:

May 4, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and re-appointment to state office under Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753:

Board of Boiler Rules

Mr. Jeffrey S. Appel, 10064 Nadine, Huntington Woods, Michigan 48070, county of Oakland, representing the general public, succeeding Lawrence Hale, II, whose term has expired, for a term commencing May 4, 2004 and expiring June 30, 2007.

Mr. Lawrence H. Hale, II, 18634 Muirland, Detroit, Michigan 48221, county of Wayne, representing mechanical contractors within this state having experience in the installation, piping, or operation of boilers, succeeding Donald Tischler, whose term has expired, for a term commencing May 4, 2004 and expiring June 30, 2007.

Mr. John A. Marek, 25882 Shirley Lane, Dearborn Heights, Michigan 48127, county of Wayne, representing organized labor in the state engaged in the erection, fabrication, installation, operation, or repair of boilers, re-appointed for a term expiring on June 30, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 784
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 872
Senate Bill No. 875
The motion prevailed.

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 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 amended the title to read as follows:

A bill to amend 1974 PA 154, entitled "An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions,

committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” by amending sections 6 and 29 (MCL 408.1006 and 408.1029) and by adding sections 17 and 32.

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

House Bill No. 5545, entitled

A bill to amend 1993 PA 331, entitled “An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers,” by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

(For text of amendment, see Senate Journal No. 43, p. 770.)

The question being on concurring in the House amendment made to the Senate substitute,

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

Roll Call No. 258

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

Third Reading of Bills

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

Senate Bill No. 927

Senate Bill No. 1107

Senate Bill No. 1167

House Bill No. 5093

Senate Bill No. 1023

Senate Bill No. 1024

House Bill No. 5554

Senate Bill No. 320

House Bill No. 4937

House Bill No. 5500

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 927, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43705 (MCL 324.43705), as added by 2001 PA 50.

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. 259

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 Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 260

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Cropsey

Gilbert

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1167, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

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. 261

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 Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5093, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending sections 17g, 23, 27, 33, and 67a (MCL 38.17g, 38.23, 38.27, 38.33, and 38.67a), sections 17g, 23, and 27 as amended by 1987 PA 241, section 33 as amended by 2002 PA 93, and section 67a as added by 1996 PA 487, and by adding section 27a.

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. 262

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1023, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 52511.

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. 263

Yeas—24

Allen	Cassis	Hammerstrom	Sanborn
Barcia	Cropsey	Hardiman	Sikkema
Bernero	Garcia	Jelinek	Stamas
Birkholz	George	Kuipers	Switalski
Bishop	Gilbert	McManus	Toy
Brown	Goschka	Prusi	Van Woerkom

Nays—14

Basham	Clarke	Leland	Schauer
Brater	Emerson	Olshove	Scott

Cherry
Clark-Coleman

Jacobs
Johnson

Patterson

Thomas

Excused—0

Not Voting—0

In The Chair: President

Senator Prusi offered to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 52511; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protest

Senator Clarke, under his constitutional right of protest (Art. 4, Sec. 18), protested against passage of Senate Bill No. 1023.

Senator Clarke’s statement is as follows:

These bills aren’t necessary. They add an unnecessary level of bureaucracy. We currently have in the DNR expert foresters who have good judgment on how to best manage our forest resources. So this is why I voted against this bill and will not be supporting the successive two bills as a part of this package.

The following bill was read a third time:

Senate Bill No. 1024, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 11, line 8, by striking out all of enacting section 1.

The amendment was not adopted, a majority of the members serving not 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. 264

Yeas—26

Allen
Barcia
Bernero
Birkholz
Bishop
Brown
Cassis

Cherry
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Kuipers
McManus
Olshove
Prusi

Sanborn
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—11

Basham
Brater
Clark-Coleman

Clarke
Jacobs
Johnson

Leland
Patterson
Schauer

Scott
Thomas

Excused—0

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, 52506, and 52507.

The question being on the passage of the bill,
Senator Brater offered the following amendment:

- 1. Amend page 8, line 13, by striking out all of enacting section 1.

The amendment was not adopted, a majority of the members serving not 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. 265

Yeas—29

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

Nays—9

Basham	Clarke	Jacobs	Scott
Brater	Emerson	Schauer	Thomas
Clark-Coleman			

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect 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:

Senate Bill No. 320, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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. 266

Yeas—29

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

Nays—8

Basham	Clark-Coleman	Leland	Schauer
Brater	Emerson	Prusi	Scott

Excused—0

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Basham, under his constitutional right of protest (Art. 4, Sec. 18), protested against passage of Senate Bill No. 320 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

I rise to oppose the passage of Senate Bill No. 320. This bill would expand the number of hours that a teenager is allowed to work in a given week. Currently, a teen is allowed to work 48 hours of combined school and work in any

given week. This seems to be fair and even allows for a work-school combination in excess of the 40-hour work week. Of course, this doesn't account for their hours of extracurricular activities that many students participate in and the necessary studying.

This bill allows students to work up to 22 hours a week regardless of the number of hours spent in school. If a student spends 35 hours a week in school, plus 22 hours at work, this would equal 57 hours a week before we account for extracurricular activities, studying, and chores around the house.

We need to send the message loud and clear to students and to employers that their employees, while we value the real world experience that a part-time job can offer, a student's education is the No. 1 priority. There is a reason we put child labor laws in place, and it is because we know that children are vulnerable to the wishes of their employer and afraid to stand up when their employers ask them to work longer hours. So we need to reject this bill to protect the interest of our students and oppose Senate Bill No. 320.

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

The following bill was read a third time:

House Bill No. 4937, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2, 3, and 7a (MCL 408.752, 408.753, and 408.757a), sections 2 and 3 as amended by 1986 PA 277 and section 7a as amended by 1982 PA 176.

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. 267

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	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			

Nays—0

Excused—1

Johnson

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 regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and

repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; 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. 5500, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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. 268

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	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			

Nays—0

Excused—1

Johnson

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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 Thomas as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5281, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 410a.

House Bill No. 4434, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

Senate Bill No. 1141, entitled

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

Senate Bill No. 1160, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 82.

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 a substitute therefor, the following bill:

House Bill No. 4867, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 43510, and 43516 (MCL 324.504, 324.43510, and 324.43516), section 504 as amended by 1996 PA 171, section 43510 as amended by 1996 PA 585, and section 43516 as added by 1995 PA 57.

Substitute (S-2).

The Senate agreed to the substitute 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 a substitute therefor, the following bill:

Senate Bill No. 1179, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 74.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted 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.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 255

The resolution consent calendar was adopted.

Senator Bishop offered the following resolution:

Senate Resolution No. 255.

A resolution observing May 6, 2004, as National Day of Prayer in Michigan.

Whereas, The Congress of the United States passed a law proclaiming the first Thursday of each May as National Day of Prayer; and

Whereas, America has a long-standing commitment to prayer which originated with our forefathers. In 1775, as the Continental Congress met in the middle of the conflict that would forge our new nation, the authors of our liberty asked all colonists to pray for God's help in undertaking this enormous task. Then, in 1795, our first President, George Washington, issued a proclamation that united Americans in a day of public thanksgiving; and

Whereas, The annual celebration of National Day of Prayer did not come into existence until President Truman signed into law an act of Congress in 1952. In 1988, Congress and President Reagan actually set the day for this commemoration on the first Thursday in May of every year; and

Whereas, On May 6, 2004, we gather together people of all faiths and backgrounds once more in a unity of the human spirit. This unity of the human spirit is what accomplishes great things; and

Whereas, The prayers of this nation are a part of the good that has come from the devastation of September 11. Millions of Americans have been led to prayer. They have prayed for comfort in times of grief, understanding in times of anger, and for protection in times of uncertainty. Tragedy has brought forth the courage and the generosity of the American people. No one would ever wish on anyone the tragedy that happened on that day. Yet, as with each life, sorrows we would not choose can bring wisdom and strength gained in no other way; and

Whereas, Continuing in that tradition, many of the men and women who have served at the highest levels of our nation have also turned to prayer seeking wisdom from the Almighty. President Lincoln, who proclaimed a day of "humiliation, fasting and prayer" in 1863, once stated: "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me, seemed insufficient for the day." Today, millions of Americans continue to hold dear that conviction President Lincoln so eloquently expressed. Gathering in churches, synagogues, mosques, temples, and homes, we ask for strength, direction, and compassion for our neighbors and ourselves; and

Whereas, On this National Day of Prayer, we ask that our country and its leaders continue to be blessed by God. We pray that this nation, founded on religious principles, continues to be guided and sustained by them. We ask that with God's help we are able to solve our country's problems and make America a better nation through our contributions; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe May 6, 2004, as National Day of Prayer in Michigan. We encourage the citizens of our nation to pray each in his and her own manner, seeking God's blessings on our families and government officials and for personal renewal, moral awakening, and a new spirit of harmony across our land; and be it further

Resolved, That we urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

Senators Allen, Barcia, Basham, Birkholz, Brown, Cassis, Clark-Coleman, Clarke, Cropsey, Garcia, George, Gilbert, Goschka, Hammerstrom, Hardiman, Jelinek, Kuipers, McManus, Olshove, Prusi, Sanborn, Schauer, Scott and Toy were named co-sponsors of the resolution.

Senators Hardiman, Emerson, McManus, Jelinek, Scott, Bernero and Prusi offered the following resolution:

Senate Resolution No. 254.

A resolution to request the Michigan Department of Education and the Family Independence Agency to extend the duration of the Michigan After-School Initiative and expand the scope of its membership and efforts.

Whereas, In 2003, House Resolution No. 26 requested the Department of Education and the Family Independence Agency to convene a task force to develop quality after-school programs for all Michigan children. This initiative centered on efforts to assess the status of after-school services in Michigan, including identifying the number of children and youth served statewide in after-school programs and to develop a plan to ensure quality after-school programs for every school-age child in the state; and

Whereas, The Michigan After-School Initiative's survey found that 449,928 children are home alone after school in Michigan and potentially in need of programs during the hours they are not in school. The survey of Michigan households indicated that nearly one-third of Michigan's children are left to care for themselves for one to five days per week, and research shows that the likelihood of high-risk behaviors increases when youth are home alone 10 or more hours a week; and

Whereas, Structured experiences for youth provide excellent economic returns in that after-school programs can reduce child care costs, improve school performance, increase compensation/future taxable income earnings, reduce crime costs, and reduce welfare costs; and

Whereas, Almost 70 percent of all Michigan school-age children live in families where the sole parent or both parents work. Being unsupervised during the non-school hours puts children and youth at greater risk of truancy, performing poorly in school, depression, substance abuse, and becoming a victim of crime; and

Whereas, Providing structured experiences for youth can positively impact the public's health, as nearly 40 percent of Michigan youth say they engage in insufficient amount of physical activity. At least 10.7 percent of high school youth are overweight, and 13.3 percent are at risk for becoming overweight. It is far more likely that overweight youth will be overweight as adults, and the direct and indirect costs associated with physical inactivity in Michigan in 2002 are estimated at \$8.9 billion; and

Whereas, The survey also found that 71 percent of families are without after-school programs and that 48 percent of Michigan families who do not have after-school care wish their children could attend after-school programs; and

Whereas, Research indicates that children who attend high-quality, out-of-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in out-of-school-time programs; and

Whereas, Children who attend quality out-of-school-time programs spend more time in learning opportunities, academic activities, and enrichment activities and spend less time watching television than their peers; and

Whereas, Parents and youth interviewed for the Michigan After-School Initiative detailed time and time again the positive difference out-of-school-time programs made in their lives and the lives of their families; and

Whereas, The 2003 task force report issued by the Michigan After-School Initiative focused on actions that would strengthen the state's ability to support high-quality, affordable, out-of-school-time programs and recommended policy changes in the areas of funding, interagency collaboration, capacity building, community collaboration, and evaluation. Implementing these recommendations will require the continued collaboration, focus, and commitment of the Michigan Department of Education and the Family Independence Agency; and

Whereas, The recommendations of the Michigan After-School Initiative reflect the expertise of parents and more than 70 representatives from 45 organizations that included state agencies, public institutions, and private nonprofit organizations with extensive experience in education, youth development, research, violence prevention, juvenile justice, child care, volunteerism, business, and social work. It is imperative for Michigan's school-age children and youth that the collaboration that produced this shared vision for out-of-school-time programming continue; and

Whereas, Hundreds of thousands of Michigan children and youth will be denied the opportunity to participate in activities that can help them reach their full potential and avoid the negative choices that are costly and detrimental to society if the state fails to implement the recommendations of the Michigan After-School Initiative: 1) to reinforce and extend existing public support for after-school programs; 2) to develop state structures and policies that support quality after-school programming; 3) to identify and facilitate access to sustainable funding mechanisms for existing after-school programs; 4) to ensure that all Michigan school-age children have access to a variety of quality after-school programs that enhance physical, social, emotional, and cognitive development; and 5) to alleviate after-school childcare burdens of working parents and caregivers; and

Whereas, The Michigan After-School Initiative's report recommended that the Legislature extend the duration of the initiative and to include oversight of the implementation plan; now, therefore, be it

Resolved by the Senate, That we request the Michigan Department of Education and the Family Independence Agency to extend the duration of the Michigan After-School Initiative, to rename it the Michigan After-School Partnership, and to oversee efforts to implement the policy recommendations and strategic next steps identified in the Michigan After-School Initiative's report; and be it further

Resolved, That we urge that participation in the Michigan After-School Partnership be expanded beyond the membership of the initial Michigan After-School Initiative to increase the representation of parents, youth, foundations, employers, and others with experience in education, child care, after-school and youth development services, and crime and violence prevention and to include representation from the Department of Community Health; and be it further

Resolved, That we urge the Michigan After-School Partnership to work diligently with the private sector to understand the out-of-school-time needs of employed parents and their families, and that the partnership engage the public and private sectors in building and sustaining high quality out-of-school-time programs; and be it further

Resolved, That we urge that each year, on or before December 31, the Michigan After-School Partnership report its progress in reaching the recommendations set forth in the Michigan After-School Initiative's report to the Legislature and the Governor; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Education and the Family Independence Agency.

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 Families and Human Services.

The motion prevailed.

Senators Allen, Barcia, Basham, Birkholz, Bishop, Clark-Coleman, Clarke, Garcia, Goschka, Kuipers and Toy were named co-sponsors of the resolution.

Senator Bernero offered the following resolution:

Senate Resolution No. 256.

A resolution to memorialize the Congress of the United States to extend temporary emergency unemployment benefits.

Whereas, The federal program to extend temporary emergency unemployment benefits to workers who have lost their jobs has helped many American families in recent years as our economy has floundered. While the economic situation seems to be stabilizing in some areas, for workers in many fields and in certain regions of the country, the need for short-term help in coping with the devastation of a lost job remains acute. In Michigan, for example, our unemployment rate continues to hover near 7 percent; and

Whereas, The most recent emergency federal unemployment benefits extensions were put in place in the wake of the economic damage that followed the September 11th attacks. Extensions of this program have been most helpful to individuals and their families, to countless local communities, and to our nation; and

Whereas, Unemployment benefits have a positive impact that goes far beyond helping workers and their families cope with the loss of a job. Money that goes to people who are scrambling to pay their monthly bills goes into the economy very quickly. Many observers feel that these benefits contribute significantly to an effective economic stimulus strategy. Clearly, with the large number of people displaced by our challenging economy in recent years, extending the temporary emergency unemployment benefits program is a step our nation needs to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to extend temporary emergency unemployment benefits; 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 resolutions 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 resolutions,

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

The motion prevailed.

Senators Barcia, Basham, Clark-Coleman, Clarke, Cropsey, Goschka, Jacobs, Olshove, Prusi, Schauer, Scott and Toy were named co-sponsors of the resolution.

Senator Stamas offered the following resolution:

Senate Resolution No. 257.

A resolution to urge the Department of Natural Resources to continue pursuing policies that sell lands that are of marginal value to the state to encourage local use and development.

Whereas, The state of Michigan, through the Department of Natural Resources, is a major land owner, with property throughout the state. The DNR currently holds title to approximately 4.5 million acres of surface land, with mineral rights to more than 6 million acres. The department maintains these acres for the people of this state to provide for public recreation, conservation, and protection of resources for future generations; and

Whereas, Over the years, the state acquired its property through numerous channels, including tax reversion, purchases through various specific-purpose funds, and gifts. These properties include some of the most revered spots to grace our peninsulas and parcels of unique ecological, recreational, cultural, and historic value; and

Whereas, The state also owns lands that do not fit in with the DNR's mission and which sometimes are so scattered that the costs of maintaining the property detracts from the department's work in other areas. The state's responsibilities to make payments to local units in lieu of taxes also represent an increasing burden; and

Whereas, Through cooperative efforts with local officials, the DNR can identify and sell parcels of land for the benefit of both the state and local communities that can use these lands for purposes that address local needs. Selling land that is of less interest to the state and the mission of the DNR and doing so in conjunction with local communities should be strongly encouraged; now, therefore, be it

Resolved by the Senate, That we urge the Department of Natural Resources to continue pursuing policies that sell lands that are of marginal value to the state and to work closely with local officials to encourage local use and development; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources and the Natural Resources Commission.

Pending the order that, under rule 3.204, the resolutions 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 resolutions,

Senator Hammerstrom moved that the resolutions be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Allen, Barcia, Bishop, Cassis, Cropsey, Garcia, Goschka, Hardiman, Jelinek, Kuipers, Prusi and Toy were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Cassis, Garcia and McManus introduced

Senate Bill No. 1185, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

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

Statements

Senators Scott, Bishop and Garcia 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 share with my colleagues an article that was in yesterday's Detroit Free Press. It says Detroit jumped to No. 3 among the region's top 10 cities for residential construction. It is exciting that 872 new housing permits were granted in the region's central city in 2003. But elected officials must use their influence to spur more urgency about finding answers to the grossly unfair costs, higher taxes, higher and insurance rates that come with choosing a Detroit address, and the stubborn set of social problems that could keep some of these new homes noticeably empty. It is only a matter of time before the young professionals and empty-nesters eyeing and relocating to the city join the course of Detroiters pleading for safer streets, lower taxes, fairer insurance rates, and better education for their children.

So, as I mentioned earlier this week, on Saturday, May 8th, I will be joining Craig Trombley of Live 97.1 FM's Insurance Talk radio show from noon to 2 p.m. for a rally at Detroit's Hart Plaza to address and discuss much needed insurance reform. This grassroots effort will allow the public to tell their story and listen to and hear others' stories about their frustrations with high insurance premiums, unfair settlements, the use of credit scores, and price fixing. This event will help in sending a clear message to our insurance companies that the citizens of Detroit and this state deserves action on insurance reform.

I invite my colleagues to join me this Saturday in debating this important issue. I believe that we must create dialogue in order to seek solutions. This rally on Saturday is a perfect forum for such dialogue, and I welcome your participation.

And let me just say that because Highland Park and Hamtramck are in receivership, they still pay those same high insurance rates, and these are cities that are trying to rebuild. So I would ask my colleagues for us to soon start discussing these insurance rates. And let's have some hearings on them so we can have some real dialogue.

Senator Bishop's statement is as follows:

I rise today for a very important statement. Today is the National Day of Prayer. As many of you have already done as well this morning, I had the opportunity to attend a prayer breakfast with my community in the Rochester area, where I was one of about 1,000 people who had the opportunity to come together and share in fellowship, prayer, and congregation with the community. Every year it gets bigger and more involved, and every year it gets more inspirational. Today on the consent calendar there was a resolution declaring today, in Michigan, the National Day of Prayer. And if you haven't already done so, I would ask that you sign that resolution calendar on your desk and turn it in to join in with me on that.

But today in our National Day of Prayer, we had the opportunity to hear from a very inspirational person. His name is Dave Dravecky. Many of you probably remember this man back in the late '80s when he was an all-star pitcher for the San Francisco Giants. He pitched in the All-Star game, and he also pitched in the '84 World Series. We should all remember that. Dave Dravecky has one of the most inspirational stories I've ever heard. He was an all-star pitcher in the middle, in the height of his career. He was diagnosed with cancer in, of all places, his throwing arm. He was forced to undergo surgery, and they removed 50 percent of the deltoid muscle in his throwing arm. And despite his pleas, the doctors told him he would never ever play baseball again.

However, because of his dedication and his faith and his prayer, he returned to baseball just 10 months after that surgery and continued on with his all-star career. His first game back he won an 8-inning game where he pitched the whole way. His story is incredible. Unfortunately, he lost his battle to cancer to the extent that he had to retire from baseball, and the cancer came back and led to the amputation of his throwing arm.

As I sat and listened to this story today, it occurred to me, on this National Day of Prayer, that oftentimes when we sit and listen to each other complain about issues of the day and petty concerns and politics, we tend to forget that many of us, in fact, many of us around us today have heavy hearts. Their minds and hearts are full of concerns and pains. We are desperate in many cases, and I think today is an appropriate day for all of us to stop and think and remember that there are many people around us who are deeply concerned and need our compassion, our sympathy, and our love, and that would be deserving of us to reach out and be supportive.

One of our colleagues provided us with a very, very good review of what happened and why today is the National Day of Prayer and how much emphasis our country has placed on prayer and government, and I encourage you to read that on your desk today. Senator Brown, what an outstanding piece of historical information that we can all use as a reference. But it is always important to remember that this country has looked upon prayer as an important part of our country. It was President Lincoln who proclaimed a day of humiliation and fasting and prayer back in 1863. We didn't adopt the National Day of Prayer officially until 1952 when Harry Truman and the Congress adopted that day. Ronald Reagan later declared the first Thursday in May every year as the day we would all pause.

President Lincoln said, "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me seemed insufficient for the day." And I think those kind of words are words that we all feel at times, and it's appropriate for us to stop, pause, and recognize one day of the year as a day of national prayer. And I would encourage you all to sign the resolution and to go about your community and encourage all you see today to stop for a moment and pray.

Senator Garcia's statement is as follows:

Yesterday, you may recall that I rose to speak on behalf of the troops who are serving overseas. And given that this is the National Day of Prayer, I want to remind my colleagues that we should be in prayer not only for our soldiers who are overseas serving and fighting the good fight, but also for their families who remain behind. Today, in a couple hours, I will travel to Flint, Michigan, and go see my former unit. They're about to be deployed to Fort Benning, Georgia. They are being called up to go do their duty. Among those soldiers who are going over there is my brother, who serves in the 1st Battalion 333 Infantry of the 84th Division. He is going to go and serve as a drill sergeant in Fort Benning, Georgia, and train our soldiers, who may in turn may have to go overseas and serve their country. The possibility also exists that he and others may be called upon to go over to Kuwait or Iraq and train many of the former Iraqi soldiers and retrain them as soldiers.

So I just ask for my colleagues' prayers for these soldiers and their families and for my brother. My brother leaves behind three small children who are very concerned about their dad's departure, but this is something that is being played all across this nation. Men and women are putting away their civilian clothes and putting on their country's uniform and going to serve the country.

I guess today on the National Day of Prayer, I, too, just ask that we remember them and their families as they go serve.

Committee Reports

The Committee on Commerce and Labor reported
Senate Resolution No. 241.

A resolution to memorialize the President and the Congress of the United States to take steps to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

(For text of resolution, see Senate Journal No. 38, p. 687.)

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

A resolution to memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

Whereas, For many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and "dumping" them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, A very significant and harmful development of late is a steep rise in the cost of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, Dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation's manufacturing capacity requires swift action to bring stability to this market; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices; 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.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Commerce and Labor reported

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.

(For text of resolution, see Senate Journal No. 22, p. 308.)

With the recommendation that the concurrent resolution be adopted.

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, May 4, 2004, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Judiciary reported

House Bill No. 5692, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539d (MCL 750.539d).

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.

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.

The Committee on Judiciary reported

Senate Bill No. 918, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539j. 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.

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.

The Committee on Judiciary reported

House Bill No. 5693, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 2.

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.

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.

The Committee on Health Policy reported

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276.

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, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4272, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20188; 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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 724, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of

coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

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, George, Bernero and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, May 5, 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 Judiciary and Corrections submitted the following:

Meeting held on Tuesday, May 4, 2004, at 3:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Brown

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 5, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Brown, Cassis, Olshove, Leland and Bernero

Excused: Senator Birkholz

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, May 5, 2004, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, May 5, 2004, at 3:03 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

Scheduled Meetings

Appropriations -

Subcommittees -

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

Commerce, Labor and Economic Development - Wednesdays, May 12 and May 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Family Independence Agency - Thursdays, May 13, 8:00 a.m., Room 210, Farnum Building; May 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and May 20, 8:00 a.m., Room 210, Farnum Building (373-1801)

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

History, Arts, and Libraries - Tuesday, May 11, 5:00 p.m., Epic Center, 359 South Kalamazoo Mall, Wellspring Theatre, Kalamazoo; and Thursday, May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

State Police and Military Affairs - Tuesday, May 11, 3:00 p.m., Room 405, Capitol Building (373-5932)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursday, May 13, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

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

Families and Human Services - Tuesday, May 11, 3:00 p.m., Room 210, Farnum Building (373-1801)

Judiciary - Tuesday, May 11, 12:00 noon, Room 210, Farnum Building (373-3760)

Transportation - Tuesday, May 11, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 11, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate