

No. 48
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, May 18, 2004.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the 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—excused
Scott—excused
Sikkema—present
Stamas—present
Switalski—present
Thomas—excused
Toy—excused
Van Woerkom—present

Senator Jim Barcia of the 31st District offered the following invocation:

Dear Lord, as we gather to do the work of the Senate, please impart to us the courage and wisdom to serve fairly those who have put their trust in us. We ask that You fill our hearts with Your grace and bless us with the strength to lead with integrity and compassion.

We also pray that our men and women in harm's way are able to return home safely after serving their country overseas. And we ask that You keep those who have fallen by Your side for eternity.

Let each of us always remember that it is through Your Spirit that we find joy in success and comfort in loss. May we always strive to live by Your Word.

We pray these things in Your name. Amen.

The Assistant President pro tempore, Senator Sanborn, 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 10:03 a.m.

10:09 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senators Brown, Johnson, Hardiman, Jelinek, Cropsey, Patterson, Van Woerkom, Sikkema, McManus, Garcia, Allen, Stamas, Bishop, George, Goschka, Birkholz, Cassis and Kuipers entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senator Jacobs moved that Senators Schauer, Scott and Thomas be excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that the following bill, now on the order of General Orders, be referred to the Committee on Health Policy:

Senate Bill No. 297, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418a.

The motion prevailed.

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 2004 through March 31, 2004, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture, Forestry and Tourism
Appropriations
Banking and Financial Institutions
Commerce and Labor
Economic Development, Small Business and Regulatory Reform
Education
Families and Human Services

Chairperson

Senator Gerald Van Woerkom
Senator Shirley Johnson
Senator Michael Bishop
Senator Jason Allen
Senator Alan Sanborn
Senator Wayne Kuipers
Senator Bill Hardiman

Finance
 Gaming and Casino Oversight
 Government Operations
 Health Policy
 Judiciary
 Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Senior Citizens and Veterans Affairs
 Technology and Energy
 Transportation

Senator Nancy Cassis
 Senator Jason Allen
 Senator Ken Sikkema
 Senator Beverly Hammerstrom
 Senator Alan Cropsey
 Senator Laura Toy
 Senator Patricia Birkholz
 Senator Laura Toy
 Senator Bruce Patterson
 Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 13:
House Bill Nos. 4234 5455 5730 5731

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 13, for her approval the following bills:

Enrolled Senate Bill No. 653 at 3:41 p.m.
Enrolled Senate Bill No. 1026 at 3:43 p.m.

The Secretary announced that the following official bills were printed on Friday, May 14, and are available at the legislative Web site:

Senate Bill Nos. 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202 1203 1204 1205 1206
1207 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220
1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234
1235 1236 1237 1238 1239 1240 1241 1242 1243

Messages from the Governor

The following messages from the Governor were received and read:

May 13, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3(3) of the Community Corrections Act, 1988 PA 511, MCL 791.403(3):

State Community Corrections Board

Mr. Charles L. Brown of 7 Kingsley Court, Frankenmuth, Michigan 48734, county of Saginaw, succeeding Thomas N. Edmonds, who no longer meets the statutory qualifications to serve, representing county sheriffs, for a term commencing May 13, 2004 and expiring March 29, 2007.

Ms. Inez M. Brown of 6914 Colonial Drive, Flint, Michigan 48505, county of Genesee, succeeding Roger Kahn, who no longer meets the statutory qualifications to serve, representing city government, for a term commencing May 13, 2004 and expiring March 29, 2005.

May 13, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 25 of the State Trunk Line Highway System, 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Ms. Gail Y. Clifford of 29050 Lancaster Drive, Apt. 106, Southfield, Michigan 48034, county of Oakland, succeeding Gerald Basch, whose term has expired, representing the general public, for a term commencing May 13, 2004 and expiring August 4, 2005.

Ms. Jacqueline A. El-Sayed, Ph.D., of 1730 Golf Ridge Drive S., Bloomfield Hills, Michigan 48302, county of Oakland, succeeding William C. Taylor, whose term has expired, representing 4-year colleges or universities, for a term commencing May 13, 2004 and expiring August 4, 2005.

Mr. Robert E. McFarland of 5821 Old Orchard Trail, Orchard Lake, Michigan 48324, county of Oakland, succeeding Roger A. Barense, whose term has expired, representing private motor carriers, for a term commencing May 13, 2004 and expiring August 4, 2005.

Mr. James C. Parrinello of 20702 Paige Boulevard, Macomb Township, Michigan 48044, county of Macomb, succeeding Gordon L. Vorce, whose term has expired, representing organized labor, for a term commencing May 13, 2004 and expiring August 4, 2005.

Mr. James A. Van Zoeren of 5750 Stoneybrook, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding Patrick J. Parker, whose term has expired, representing the Michigan Trucking Association, for a term commencing May 13, 2004 and expiring August 4, 2005.

Mr. James H. Wardlaw of 10734 West Jolly Road, Lansing, Michigan 48911, county of Ingham, succeeding Mary Ellen Sheets, whose term has expired, representing the general public, for a term commencing May 13, 2004 and expiring August 4, 2005.

Mr. John E. Theroux of 1840 Gunn Road, Holt, Michigan 48842, county of Ingham, reappointed to represent two-year community colleges, for a term expiring August 4, 2005.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

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.

Messages from the House

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

Senate Bill No. 977

Senate Bill No. 267

Senate Bill No. 221

The motion prevailed.

Senate Bill No. 625, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283).

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 626, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 627, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386.

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. 628, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senate Bill No. 661, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274).

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senate Bill No. 662, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senate Bill No. 979, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

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. 981, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

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. 982, entitled

A bill to amend 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women

appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

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. 985, entitled

A bill to amend 1935 PA 78, entitled “An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

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. 987, entitled

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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 369, entitled “An act to regulate the business of conducting a driver training school; to require certain licenses in relation thereto; to provide for performance objectives for certain driver education courses; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 256.605), as amended by 2004 PA 70.

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

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.

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. 299

Yeas—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus

Patterson
Sanborn
Sikkema
Stamas
Van Woerkom

Nays—13

Barcia	Cherry	Emerson	Olshove
Basham	Clark-Coleman	Jacobs	Prusi
Bernero	Clarke	Leland	Switalski
Brater			

Excused—4

Schauer	Scott	Thomas	Toy
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended.

Senator Hammerstrom moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 300**Yeas—21**

Allen	Garcia	Hardiman	Patterson
Birkholz	George	Jelinek	Sanborn
Bishop	Gilbert	Johnson	Sikkema
Brown	Goschka	Kuipers	Stamas
Cassis	Hammerstrom	McManus	Van Woerkom
Cropsey			

Nays—13

Barcia	Cherry	Emerson	Olshove
Basham	Clark-Coleman	Jacobs	Prusi
Bernero	Clarke	Leland	Switalski
Brater			

Excused—4

Schauer	Scott	Thomas	Toy
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Not Voting—0

In The Chair: Sanborn

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

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.

(For text of amendments, see Senate Journal No. 47, p. 841.)

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

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

Roll Call No. 301**Yeas—34**

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

Nays—0**Excused—4**

Schauer	Scott	Thomas	Toy
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Not Voting—0

In The Chair: Sanborn

Third Reading of Bills

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

Senate Bill No. 296

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406/.

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. 302**Yeas—34**

Allen	Cherry	Hammerstrom	Olshove
Barcia	Clark-Coleman	Hardiman	Patterson
Basham	Clarke	Jacobs	Prusi
Bernero	Cropsey	Jelinek	Sanborn

Birkholz
Bishop
Brater
Brown
Cassis

Emerson
Garcia
George
Gilbert
Goschka

Johnson
Kuipers
Leland
McManus

Sikkema
Stamas
Switalski
Van Woerkom

Nays—0

Excused—4

Schauer

Scott

Thomas

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Barcia as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5105, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a, and 750.530), section 529a as added by 1994 PA 191.

The bill 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. 151, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

Substitute (S-1).

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

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

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

Senate Resolution No. 262

The resolution consent calendar was adopted.

Senator Jacobs offered the following resolution:

Senate Resolution No. 262.

A resolution to honor the Lions/Lioness Clubs of Michigan's Silent Children's Speech Program for 25 years of helping children communicate.

Whereas, The Lions International of Michigan has long supported the needs of children; and

Whereas, The Lions International of Michigan understands the importance of speech and language to children's growth and development; and

Whereas, The Lions International of Michigan recognizes the need for financial support for such programs as children's speech services; and

Whereas, The Lions and Lioness Clubs of Districts II-A-1 and II-A-2 established the Silent Children's Speech Fund to provide scholarships for such services for those unable to pay; and

Whereas, The William Beaumont Hospital Speech and Language Pathology Department, Division of Children's Services provides those services for children with speech and language disorders; and

Whereas, Each scholarship provides for 36 treatments over a 12-week period for children around the state; and

Whereas, As a result of this successful partnership, the William Beaumont Hospital Department of Speech and Language Pathology has never denied a child assistance throughout its more than three decades of service; now, therefore, be it

Resolved by the Senate, That the Lions/Lioness Clubs of Michigan be commended for their caring, compassion, and continuing generosity in assuring Michigan's children an equal opportunity in school and in life; and be it further

Resolved, That copies of this resolution be transmitted to the president of the Lions International and the Lions International Michigan Chapter as a token of our esteem.

Senate Resolution No. 228.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 171.

A resolution to memorialize the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Concurrent Resolution No. 35.

A concurrent resolution to memorialize the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senator Cropsey introduced

Senate Bill No. 1244, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 3619.

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

Senators Barcia and Stamas introduced

Senate Bill No. 1245, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1181. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Brown, Barcia, Cropsey, George, Van Woerkom, Birkholz, Brater, Clarke and Bishop introduced

Senate Bill No. 1246, entitled

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

Senators Brown, Barcia, Allen, Cropsey, George, Van Woerkom, Birkholz, Brater, Clarke and Bishop introduced

Senate Bill No. 1247, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 1c (MCL 35.601c), as amended by 1980 PA 353.

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

Senators Brown, Cropsey, Barcia, Van Woerkom, Bishop, McManus, Toy and Garcia introduced

Senate Bill No. 1248, entitled

A bill to amend 1949 PA 400, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

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

Senator Brown introduced

Senate Bill No. 1249, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16178 (MCL 333.16178).

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

House Bill No. 4234, entitled

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

House Bill No. 5455, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 4 (MCL 390.994), as amended by 1980 PA 503.

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

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

House Bill No. 5730, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 517 (MCL 436.1517).

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

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

House Bill No. 5731, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 517a.

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

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

Committee Reports

The Committee on Local, Urban and State Affairs reported

House Bill No. 5671, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, May 13, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

The Committee on Economic Development, Small Business and Regulatory Reform reported

House Bill No. 4344, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 1997 PA 202.

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 Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Gilbert, Jacobs and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 12, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Allen

The Committee on Finance reported

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.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: Senators Thomas and Brater

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, May 12, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

The Committee on Banking and Financial Institutions reported

House Bill No. 4127, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110b.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 11, after "**insurer**," by striking out "**the existence of**" and inserting "**whether the insurer has**".

2. Amend page 1, line 11, after "**agreement**" by inserting "**with any repair or replacement facility to provide a repair or replacement service or product to an insured**".

3. Amend page 2, line 2, after "**use**" by striking out "**that**" and inserting "**a**".

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Olshove and Clark-Coleman

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, May 13, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Olshove and Clark-Coleman

Excused: Senator Leland

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 12, 2004, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), Prusi and Scott

Excused: Senators George and Hardiman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Thursday, May 13, 2004, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:
Meeting held on Thursday, May 13, 2004, at 9:00 a.m., Room 110, Farnum Building
Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:
Meeting held on Thursday, May 13, 2004, at 11:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators George (C), McManus and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:
Meeting held on Thursday, May 13, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Brown (C), Jelinek and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:
Meeting held on Thursday, May 13, 2004, at 2:00 p.m., Room 210, Farnum Building
Present: Senators Kuipers (C), Cassis, Van Woerkom and Clark-Coleman
Excused: Senator Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:
Meeting held on Thursday, May 13, 2004, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Hardiman (C), George and Scott

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 20, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

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

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

Family Independence Agency - Thursday, May 20, 8:00 a.m., Room 210, Farnum Building (373-1801)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursday, May 20, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932) (CANCELED)

Economic Development, Small Business and Regulatory Reform - Wednesday, May 19, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, May 19, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, May 19, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Thursday, May 20, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1707)

Senior Citizens and Veterans Affairs - Wednesday, May 19, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, May 19, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:52 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, May 19, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate