

No. 51
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, May 25, 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 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—excused
Toy—present
Van Woerkom—present

Father Denny Stillwell of St. Francis Catholic Church of Petoskey offered the following invocation:

Almighty and Eternal God, Lover of humankind, You've revealed Your glory to people of every race, color, and creed. You count each and every one of us among Your children, and You entrust to each of us a role in the co-building of Your kingdom. When we pool our individual talents and life perspectives, we are able to accomplish Your will with wisdom and confidence.

It is we, who are Your children, who pray this day for Jennifer Granholm, our Governor for the state of Michigan, for the members of the Legislature, and for all elected civil officials. May they be enabled to discharge their duties with honesty and ability. May our laws reflect Your caring for the poor and defenseless and for the good order of society.

May all deliberations entered into be done with mutual respect and charity so that they may result in good laws. We likewise commend to Your unbounded mercy all citizens of the state of Michigan that we may be blessed and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world alone cannot give and after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to You who are Lord and God forever and ever. Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Schauer moved that Senator Thomas be excused from today's session.
The motion prevailed.

Senator Bernero entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

April 21, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:20 p.m. this date, administrative rule (04-04-01) for the Department of Community Health, Bureau of Children and Family Programs, entitled "*Hearing Screening of Preschool and School-age Children*," effective 7 days after filing with the Secretary of State.

April 21, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:24 p.m. this date, administrative rule (04-04-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*Part 11. Premanufactured Units*," effective June 1, 2004.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:31 p.m. this date, administrative rule (04-05-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 8. Emission of Oxides of Nitrogen from Stationary Sources*," effective 7 days after filing with the Secretary of State.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:33 p.m. this date, administrative rule (04-05-02) for the Department of Community Health, Director's Office, entitled "*EMS - Personnel Licensure and Regulation Rules*," effective 7 days after filing with the Secretary of State.

May 12, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:35 p.m. this date, administrative rule (04-05-03) for the Department of Community Health, Director's Office, entitled "*EMS - Organization Licensure Rules*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 20:
House Bill Nos. 5446 5478 5494 5502 5503 5504 5505

The Secretary announced that the following official bills were printed on Thursday, May 20, and are available at the legislative Web site:

Senate Bill No. 1250
House Bill Nos. 5926 5927

The Secretary announced that the following official bills were printed on Friday, May 21, and are available at the legislative Web site:

Senate Bill Nos. 1251 1252
House Bill Nos. 5928 5929 5930 5931 5932

The following communication was received and read:
Office of the Senate Majority Leader

May 20, 2004

Pursuant to Senate Rule 3.203c, I am hereby re-referring the following bills from the Senate Committee on Families and Human Services to the Senate Judiciary Committee: HB 5467, HB 5468, HB 5469, HB 5470, HB 5472, HB 5473 and HB 5474.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Hammerstrom moved that the following bill, now on the order of General Orders, be referred to the Committee on Agriculture, Forestry and Tourism:

Senate Bill No. 217, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 601, 602, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.601, 280.602, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, sections 275, 278, and 280 as amended by 2002 PA 406, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 323 as amended by 2002 PA 353,

section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 53a, 55, 56, 57, 58, 59, 60, 61, 62, 63, 103a, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, 616, and 617; and to repeal acts and parts of acts.

The motion prevailed.

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

Senate Bill No. 1093

The motion prevailed.

The following messages from the Governor were received:

Date: May 20, 2004

Time: 9:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 307 (Public Act No. 107), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1294.

(Filed with the Secretary of State on May 20, 2004, at 11:00 a.m.)

Date: May 20, 2004

Time: 9:21 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 778 (Public Act No. 110), being

An act to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2000 PA 455.

(Filed with the Secretary of State on May 20, 2004, at 11:06 a.m.)

Date: May 20, 2004
Time: 9:33 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 783 (Public Act No. 111), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 411t.

(Filed with the Secretary of State on May 20, 2004, at 11:08 a.m.)

Date: May 20, 2004
Time: 9:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 784 (Public Act No. 112), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

(Filed with the Secretary of State on May 20, 2004, at 11:10 a.m.)

Date: May 21, 2004
Time: 8:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 653 (Public Act No. 114), being

An act to amend 1994 PA 451, entitled “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,” by amending section 20129a (MCL 324.20129a), as amended by 1999 PA 30, and by adding section 3122a.

(Filed with the Secretary of State on May 21, 2004, at 9:28 a.m.)

Date: May 21, 2004
Time: 8:49 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1026 (Public Act No. 115), being

An act to designate Michigan manufacturing day in the state of Michigan.

(Filed with the Secretary of State on May 21, 2004, at 9:30 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

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

The motion prevailed.

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 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 substitute was concurred in on May 19 and the recommendation for immediate effect postponed. See Senate Journal No. 49, p. 890.)

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

The recommendation was concurred in, 2/3 of the Senators 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. 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).

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. 316

Yeas—37

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

Nays—0

Excused—1

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 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. 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 substitute was concurred in on May 19 and the recommendation for immediate effect postponed. See Senate Journal No. 49, p. 891.)

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the Senators serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 substitute was concurred in on May 19 and the recommendation for immediate effect postponed. See Senate Journal No. 49, p. 892.)

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the Senators serving voting therefor.
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.
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. 317

Yeas—37

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

Nays—0

Excused—1

Thomas

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 concurred in, 2/3 of the Senators 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. 987, entitled

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.

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. 318**Yeas—37**

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

Nays—0**Excused—1**

Thomas

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 concurred in, 2/3 of the Senators serving voting therefor.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 559, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

(This bill was returned from the House without amendment on May 20 and the motion for immediate effect postponed. See Senate Journal No. 50, p. 903.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 2/3 of the Senators serving voting therefor.

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

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.

(This bill was returned from the House without amendment on May 20 and the recommendation for immediate effect postponed. See Senate Journal No. 50, p. 903.)

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

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

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

Senate Bill No. 1073, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

(This bill was returned from the House without amendment on May 20 and the recommendation for immediate effect postponed. See Senate Journal No. 50, p. 903.)

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

The recommendation was concurred in, 2/3 of the Senators 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. 1116, entitled

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

(For text of amendment, see Senate Journal No. 50, p. 904.)

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

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

Roll Call No. 319

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Sanborn

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today's session. The motion prevailed.

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.

Third Reading of Bills**Recess**

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:35 a.m.

10:40 a.m.

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

The following bill was announced:

House Bill No. 5692, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539d (MCL 750.539d). (The bill was passed on May 20 and the motion for immediate effect postponed. See Senate Journal No. 50, p. 905.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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 revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,".

The Senate agreed to the full title.

The following bill was announced:

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.

(The bill passed on May 20 and the motion for immediate effect postponed. See Senate Journal No. 50, p. 906.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested

for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was announced:

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. (The bill passed on May 20 and the motion for immediate effect postponed. See Senate Journal No. 50, p. 907.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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 and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

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

Senate Bill No. 722

Senate Bill No. 723

Senate Bill No. 151

Senate Bill No. 736

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 722, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 14501 (MCL 324.14501), as amended by 1998 PA 289, and by adding section 14514.

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. 320

Yeas—36

Allen
Barcia

Cherry
Clark-Coleman

Hardiman
Jacobs

Prusi
Sanborn

Basham	Clarke	Jelinek	Schauer
Bernero	Cropsey	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Emerson Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 723, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14513 (MCL 324.14513), as added by 1998 PA 289.

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. 321

Yeas—36

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

Nays—0

Excused—2

Emerson Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

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.

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. 322

Yeas—37

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

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Cropsey moved that he be named co-sponsor of the bill.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 736, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

The question being on the passage of the bill,

Senator Basham offered the following amendment:

1. Amend page 2, line 26, after “section.” by inserting “**A trailer or semitrailer operated under this subsection shall not be operated on a lane that is less than 1 foot wider than the trailer or semitrailer.**”

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. 323**Yeas—26**

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

Nays—11

Basham	Cherry	Emerson	Scott
Bernero	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Schauer	

Excused—1

Thomas

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 Birkholz as Chairperson.

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

House Bill No. 5381, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 28.

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 amendments, the following bill:

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.

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

1. Amend page 2, line 25, after "**owners**" by striking out the balance of the line through "**reside**" on line 26 and inserting "**located**".

2. Amend page 3, line 1, after "**owners**" by striking out "**and each person who resides**" and inserting "**located**".

3. Amend page 3, line 2, after "**government**" by striking out "**in which the affected territory is located**" and inserting "**capable of producing the information required under this section**".

4. Amend page 3, line 2, after “**subsection.**” by inserting “**The commission is required to provide notice only to the property owners included on the list provided by the local unit of government as required under this section.**”.

5. Amend page 6, line 25, after “~~annexation~~” by striking out “**Annexation**” and inserting “After March 31, 1971, and so long as ~~Act No. 191 of the Public Acts of 1968~~ **1968 PA 191, MCL 123.1001 to 123.1020**, is in effect, annexation”.

6. Amend page 7, following line 1, subsection (12), after “**each**” by striking out “**person**” and inserting “**property owner**”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 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.

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:
House Bill No. 5491, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 1080.

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 amendments, the following bill:

House Bill No. 5589, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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

1. Amend page 2, line 24, after “**and**” by striking out the balance of the line through “**neglect.**” on line 25 and inserting “**the specific complaints or allegations made against the individual.**”.

2. Amend page 8, following line 6, by inserting:

“(17) **All department employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the constitutional and statutory rights of children and families, including instruction in the fourth amendment to the United States constitution and parental rights, from the initial contact of an investigation through the time services are provided.**”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5586, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3101 (MCL 324.3101), as amended by 2004 PA 90, and by adding section 3111b; and to repeal acts and parts of acts.

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

Senate Resolution No. 248

The motion prevailed.

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

Senate Resolution No. 263

Senate Resolution No. 264

Senate Resolution No. 265

The resolution consent calendar was adopted.

Senator Allen offered the following resolution:

Senate Resolution No. 263.

A resolution commemorating May 25, 2004, as Propane Awareness Day in Michigan.

Whereas, The mission of the Michigan Propane Gas Association is to promote the proper handling and use of propane, work for a favorable environment for propane distribution and marketing, and to increase its application by demonstrating propane's value as a clean energy source; and

Whereas, The Michigan Propane Gas Association is a trade and membership service organization that represents propane marketers throughout the state. Founded on April 3, 1947, the association has grown in its influence, while maintaining its core principles of education and safety. The association's primary purpose is to maintain high standards of practice within the industry and, in so doing, protecting and expanding the ability of its members to compete in the marketplace. The association is dedicated to the betterment of the propane industry and to customers it serves in Michigan. Since its inception, the Michigan Propane Gas Association has been supported by its many volunteers who dedicate their time for the betterment of the industry; and

Whereas, The Michigan Propane Gas Association established Propane Awareness Day to demonstrate the numerous uses of propane and its safe use. We salute the people of the Michigan Propane Gas Association for their efforts to expand our awareness and knowledge of the propane industry; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate May 25, 2004, as Propane Awareness Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of Propane Awareness Day as evidence of our esteem.

Senators Barcia, Birkholz, Bishop, Cassis, Clarke, Cropsey, Garcia, Goschka, Jacobs, Kuipers, Prusi, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senator Johnson offered the following resolution:

Senate Resolution No. 264.

A resolution memorializing the life of Officer Gary Cooper Davis.

Whereas, It is with deep respect and sorrow that we offer this memorial for the life of Bloomfield Township Police Officer Gary Davis. With his tragic passing, the Bloomfield Township community as well as Oakland County has lost a civil servant of great dedication and unselfishness. To his wife, Waterford Township Police Officer Nicole Davis; his parents, Gary Davis Sr. and Julie Davis; and his extended family, in addition to his colleagues in law enforcement, we offer this expression of our respect and admiration for the gifts Officer Gary Davis shared with the people of our state; and

Whereas, A resident of Groveland Township, Gary Davis grew up in the Utica area. He attended Utica Eisenhower High School and went on to receive his B.S. degree from Lawrence Tech and then graduated from the Oakland Police Academy. After graduating from the academy, Gary began his law enforcement career with the Bloomfield Township Police Department in 1992. He served as a school liaison officer for four years in the Bloomfield Hills School District at Lasher High School. As a school liaison officer, Gary had the distinct pleasure of following the freshman class through to their graduation; and

Whereas, Individuals such as Gary are rare today. He was a true example of what a professional police officer should stand for. He set standards of service on the job and throughout the community that epitomized the values and qualities we seek in the men and women who dedicate themselves to public safety. To him, being a law enforcement officer was not just a job, but a total commitment and one he carried out in the most commendable way; and

Whereas, On the morning of May 13, 2004, after 12 years of distinguished service, Gary was taken from us at the age of 36. Although, in the flesh, he is no longer with us, Gary will forever be with us in spirit as we look upon the many ways in which our community was provided for through his bold and diligent efforts. He will be sincerely missed; now, therefore, be it

Resolved by the Senate, That we offer words of praise as a memorial for Officer Gary Cooper Davis. We wish his family, friends, and the entire police community comfort in their memory of him as a symbol of hope in a safer world, faith in life and community, and love of family; and be it further

Resolved, That copies of this resolution be transmitted to Nicole Davis, Gary Davis Sr., and the Bloomfield Township Police Department as a reflection of our condolences.

Senators Allen, Barcia, Birkholz, Bishop, Cassis, Clarke, Cropsey, Garcia, Goschka, Jacobs, Kuipers, Olshove, Prusi, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senators Clark-Coleman, Basham, Bishop, Barcia, Olshove, Allen, Cherry, Scott, Leland, Schauer, Brater, Bernero, Switalski, Prusi, Kuipers, Goschka, Stamas, Van Woerkom, Sikkema, Hammerstrom, Johnson, Toy, George, Cassis, Birkholz, Patterson, Brown, Hardiman, Jelinek, Cropsey, Gilbert, Garcia and Jacobs offered the following resolution:

Senate Resolution No. 265.

A resolution to proclaim May 26, 2004, as Four Tops Day in the state of Michigan.

Whereas, It is an esteemed pleasure and indeed a privilege and honor for the members of the Michigan Senate to join in commemorating the 50th Anniversary of one of the most consistent and legendary song and dance hit-makers and entertainers—the Four Tops; and

Whereas, The Four Tops maintained its original members: Levi Stubbs, Abdul “Duke” Fakir, Renaldo “Obie” Benson, and Lawrence Payton. All are products of Detroit’s north end and were discovered while singing at a friend’s birthday party in 1954; and

Whereas, The magic was immediately apparent. They began practicing the next day and called themselves the Four Aims; and

Whereas, Their first signing with the recording industry was with Chess Records in 1956. They also changed their moniker to the Four Tops to avoid confusion with the then-popular Ames Brothers; and

Whereas, The Four Tops’ tenure with Chess Records was brief. Their soulful, muscular, powerful, smooth, yet subtle, voices were in much demand. They traveled and performed in major nightclubs until the already seasoned quartet discovered a home in 1963 with Berry Gordy and the renowned Motown Records; and

Whereas, Their catalog at Motown and a variety of other labels is a testament to a unique kind of group sensibility that has endured from the time the quartet met through the opening strains of “Baby I Need Your Loving”—the Tops first hit for Motown—and up to every performance they deliver today; and

Whereas, The Four Tops’ chemistry created an inseparable bonding. They were the only Motown treasure that retained its original members for its duration, until they faced their greatest test when Lawrence Payton lost his fight to cancer in 1997; and

Whereas, The group has soldiered on dedicating every one of its subsequent shows to Payton, including their forthcoming live national taping occurring July 28, 2004, at Detroit’s Opera House; now, therefore, be it

Resolved by the Senate, That we hereby proclaim May 26, 2004, as Four Tops Day in the state of Michigan; and be further

Resolved, That copies of this resolution be transmitted to Levi Stubbs, Abdul “Duke” Fakir, Renaldo “Obie” Benson, and the family of Lawrence Payton as a token of our esteem.

Senate Concurrent Resolution No. 30.

A concurrent resolution to urge the United States Department of Homeland Security to locate its Midwest regional training facility in Alpena and Grayling, Michigan.

The question being on the adoption of the resolution,

Senator Schauer offered the following amendment:

1. Amend the first Resolved clause, line 3, after “Grayling” by inserting “and/or Fort Custer Military Training Base and Air National Guard Base in Battle Creek, Michigan”.

The amendment was not adopted.

The concurrent resolution was adopted.

Senate Concurrent Resolution No. 43.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the closure of the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

House Concurrent Resolution No. 54.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Department of Management and Budget Capitol Complex Renovations located in Ingham County (the "Facility") is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of Management and Budget Capitol Complex Renovations shall not exceed \$27,563,300 (the Authority share is \$27,563,200 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$27,563,200, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,890,000 and \$2,472,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Allen, Barcia, Birkholz, Cassis, Clarke, Cropsey, Garcia, Jacobs, Jelinek, Kuipers, Prusi, Switalski and Van Woerkom were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Johnson's statement is as follows:

This is a memorial resolution memorializing the life of Officer Gary Cooper Davis.

Whereas, It is with deep respect and sorrow that we offer this memorial for the life of Bloomfield Township Police Officer Gary Davis. With his tragic passing, the Bloomfield Township community as well as Oakland County has lost a civic servant of great dedication and unusual unselfishness. To his wife, Waterford Township Police Officer Nicole Davis; to his parents, Gary Davis Sr. and his mother Julie Davis; and his extended family, in addition to his colleagues in law enforcement, we offer this expression of our respect and admiration for the gifts Officer Gary Davis shared with the people of our state; and

Whereas, A resident of Groveland Township, Gary Davis grew up in the Utica area. He attended Utica Eisenhower High School and went on to receive his B.S. degree from Lawrence Tech and then graduated from the Oakland Police Academy. After graduating from the academy, Gary began his law enforcement career with the Bloomfield Township Police Department in 1992. He served as a school liaison officer, something for which he was extraordinarily proud, for four years in the Bloomfield Hills School District at Lasher High School. As a school liaison officer, Gary had the distinct pleasure of following the freshman class through to their graduation; and

Whereas, Individuals such as Gary are rare today. He was a true example of what a professional police officer should stand for. He set standards of service on the job and throughout the community that epitomized the values and qualities we seek in the men and women who dedicate themselves to public safety. To him, being a law enforcement officer was not just a job, but a total commitment and one he truly carried out to the utmost in our communities; and

Whereas, On the morning of May 13, 2004, after 12 years of distinguished service, Gary was taken from us at the age of 36. Although, in the flesh, he is no longer with us, Gary will be forever with us in spirit as we look upon the many ways in which our community was provided for through his bold and diligent efforts. He will be sincerely missed; now, therefore, be it

Resolved by the Michigan State Senate, That we offer words of praise as a memorial for Officer Gary Cooper Davis. We wish his family, friends, and the entire police community comfort in their memory of him as a symbol of hope in a safer world, faith in our life and community, and love of family; and be it further

Resolved, That copies of this resolution be transmitted to Nicole and Gary Davis Sr. and to the Bloomfield Township Police Department as a reflection of our sincere condolences.

A moment of silence was observed in memory of Bloomfield Township Police Officer Gary Cooper Davis.

Senator Scott's statement is as follows:

Last week, as I was reading the top story on the front page of a local newspaper, the first sentence of the article really caught my attention: "Insurance rates in Michigan are too high." That, according to the story, is the opinion of our state's OFIS commissioner. As you know, the commissioner has been investigating this issue for the past several months and firmly believes that base rates set by insurers are too high. Eliminating the use of credit scoring is one way of reducing base rates. In fact, the commissioner estimates that the base rates could be reduced by as much as 10-45 percent.

An interesting statistic in the article described how since Michigan insurers began using credit scoring in 1999, base rates for auto insurance in Michigan increased between 45 and 90 percent, and homeowners insurance increased between 86 and 152 percent. In addition, the commissioner questioned whether the use of credit scoring is a valid discount under the state's essential insurance act, which says that discounts must be applied uniformly to all insured persons statewide. To this end, I am happy to learn that the House Insurance Committee will take testimony this week on the reliability of credit reports.

These reports are most welcomed as we continue to address the problems associated with our insurance system, particularly the problems of rate disparity across this state.

Senator Basham's statement is as follows:

I'd like to acknowledge all the volunteers who are planting the flowers around the Capitol, especially during the rain this morning. So, certainly, volunteerism is to be commended, and certainly, volunteerism in the rain should be acknowledged by the Senate.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Stamas introduced

Senate Bill No. 1253, entitled

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207), as amended by 2003 PA 265.

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

Senator Kuipers introduced

Senate Bill No. 1254, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501, 8502, 8503, 8505, 8506, 8507, 8509, 8510, 8513, and 8517 (MCL 324.8501, 324.8502, 324.8503, 324.8505, 324.8506, 324.8507, 324.8509, 324.8510, 324.8513, and 324.8517), section 8501 as amended and section 8517 as added by 1998 PA 276 and sections 8502, 8503, 8505, 8506, 8507, 8509, 8510, and 8513 as added by 1995 PA 60, and by adding sections 8501a, 8518, 8519, 8520, and 8521; 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 Natural Resources and Environmental Affairs.

Senators McManus, Van Woerkom, Garcia, Birkholz and Clarke introduced

Senate Bill No. 1255, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2000 PA 390.

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

Senators Garcia, Brater, Cropsey, Basham, Hammerstrom, Gilbert, Schauer, Hardiman and Jelinek introduced

Senate Bill No. 1256, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 7, 11, 12, and 13 (MCL 125.2307, 125.2311, 125.2312, and 125.2313).

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

Senators Garcia, Brater, Cropsey, Basham, Hammerstrom, Gilbert, Hardiman and Jelinek introduced

Senate Bill No. 1257, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 4, 5, and 6 (MCL 125.2304, 125.2305, and 125.2306).

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

Senator Emerson introduced

Senate Bill No. 1258, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 11 (MCL 484.3111).

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

Senators Scott, Jacobs, Brater, Clark-Coleman, Basham and Cherry introduced

Senate Bill No. 1259, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2127 (MCL 500.2127) and by adding section 2128.

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

Senators Sanborn, Patterson and Cropsey introduced

Senate Bill No. 1260, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14g of chapter XVII (MCL 777.14g), as added by 2002 PA 29.

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

Senators Bishop and Sanborn introduced

Senate Bill No. 1261, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 6111 (MCL 500.6111), as added by 1992 PA 174.

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

Senators Patterson and Sanborn introduced

Senate Bill No. 1262, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 422 (MCL 330.1422), as added by 1995 PA 290.

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

Senator Sanborn introduced

Senate Bill No. 1263, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter IV (MCL 764.1), as amended by 1990 PA 41.

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

House Bill No. 5446, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending section 2 (MCL 125.102).

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

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

House Bill No. 5478, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 166a (MCL 388.1766a), as amended by 2003 PA 158.

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. 5494, entitled

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.

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

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

House Bill No. 5502, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328, section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

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

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

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p

as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.
The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

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. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

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.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 908, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7405 (MCL 333.7405), as amended by 1997 PA 153.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 1191, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 49 (MCL 338.2249), as amended by 2003 PA 87.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, May 19, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Finance reported

Senate Bill No. 143, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

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, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 184, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

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, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1001, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1003, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5463, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.

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, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

House Bill No. 5653, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb. 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, McManus, Thomas and Brater

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 Finance submitted the following:

Meeting held on Wednesday, May 19, 2004, at 1:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 19, 2004, at 2:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Gilbert and Basham

Excused: Senators Allen and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 19, 2004, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Toy

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 20, 2004, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 20, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Birkholz, Goschka, Basham and Bernero

Excused: Senator Toy (C)

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, May 20, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Brown (C), Jelinek and Barcia

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 27, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, May 26, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Commerce, Labor and Economic Development - Thursday, May 27, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

Commerce and Labor - Wednesday, May 26, 1:00 p.m., Room 210, Farnum Building (373-2413)

Economic Development, Small Business and Regulatory Reform - Wednesday, May 26, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, May 27, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, May 26, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, May 26, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Legislative Retirement Board of Trustees - Wednesday, May 26, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Thursday, May 27, 1:00 p.m., Room 110, Farnum Building (373-1707)

Technology and Energy - Wednesday, May 26, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:41 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, May 26, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

