

No. 54
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, June 1, 2004.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Pastor Larry Betz of First Church of the Nazarene of Adrian offered the following invocation:

Our Father, today we thank You for the day that You have provided for us. We thank You, Lord, that we are a part of a nation that is a great experiment in government of the people, by the people, and for the people. We pray, Lord, Your blessing upon this day and all the business that will be transacted. We pray, Father, that You would bless these good men and women, whom the people have chosen to serve and to govern. Would you lead them, guide them, and direct them. We pray, Father, that You would be with us in the discussions, the debates, and the decisions that are made in this chamber. Would You bless everything that they put their hand to for the betterment of our society and ultimately of our world. We ask today, Lord, that You would guide us and direct us. We need Your help, and would You give us the courage to do the right, we pray.

Then, Father, we would just want to pray outside of these walls and ask that You would remember our troops who wear the uniform of our nation and especially those who are in harm's way. Would You grant them success to their mission, and Father, would You bring them safely home to us quickly, we pray. We ask, Lord, that Your peace would come to our state, to our nation, and to our world. In Jesus' wonderful name. Amen.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:04 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5517

House Bill No. 5521

House Bill No. 5519

House Bill No. 5520

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

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

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

The motion prevailed.

Senator Schauer moved that Senator Bernero be temporarily excused from the balance of today's session.

The motion prevailed.

The following communication was received and read:
Department of State

May 27, 2004

I, Terri Lynn Land, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on April 15, 2004 by Standing Together To Oppose Partial-birth-abortion (STTOP), P.O. Box 901, Grand Rapids, Michigan 49509-0901. I further certify that on May 27, 2004, the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Terri Lynn Land
Secretary of State

INITIATION OF LEGISLATION

An initiation of Legislation to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "legal birth definition act".

Sec. 2. The following findings are hereby made:

(a) That in *Roe v Wade* the United States supreme court declared that an unborn child is not a person as understood and protected by the constitution, but any born child is a legal person with full constitutional and legal rights.

(b) That in *Roe v Wade* the United States supreme court made no effort to define birth or place any restrictions on the states in defining when a human being is considered born for legal purposes.

(c) That, when any portion of a human being has been vaginally delivered outside his or her mother's body, that portion of the body can only be described as born and the state has a rational basis for defining that human being as born and as a legal person.

(d) That the state has a compelling interest in protecting the life of a born person.

Sec. 3. (1) A perinate shall be considered a legally born person for all purposes under the law.

(2) A physician or an individual performing an act, task, or function under the delegatory authority of a physician is immune from criminal, civil, or administrative liability for performing any procedure that results in injury or death of a perinate while completing the delivery of the perinate under any of the following circumstances:

(a) If the perinate is being expelled from the mother's body as a result of a spontaneous abortion.

(b) If in that physician's reasonable medical judgment and in compliance with the applicable standard of practice and care, the procedure was necessary in either of the following circumstances:

(i) To save the life of the mother and every reasonable effort was made to preserve the life of both the mother and the perinate.

(ii) To avert an imminent threat to the physical health of the mother, and any harm to the perinate was incidental to treating the mother and not a known or intended result of the procedure performed.

Sec. 4. Nothing in this act shall abrogate any existing right, privilege, or protection under criminal or civil law that applies to an embryo or fetus.

Sec. 5. As used in this act:

(a) "Anatomical part" means any portion of the anatomy of a human being that has not been severed from the body, but not including the umbilical cord or placenta.

(b) "Imminent threat to the physical health" means a physical condition that if left untreated would result in substantial and irreversible impairment of a major bodily function.

(c) "Live" means demonstrating 1 or more of the following biological functions:

(i) A detectable heartbeat.

(ii) Evidence of breathing.

(iii) Evidence of spontaneous movement.

(iv) Umbilical cord pulsation.

(d) "Perinate" means a live human being at any point after which any anatomical part of the human being is known to have passed beyond the plane of the vaginal introitus until the point of complete expulsion or extraction from the mother's body.

(e) "Physician" means an individual licensed by the state to engage in the practice of medicine or osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on April 15, 2004 by Standing Together To Oppose Partial-birth-abortion (STTOP), P.O. Box 901, Grand Rapids, Michigan 49509-0901, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 254,206.

Dorothy E. Jones
Chairperson

Eric J. Pelton
Vice-Chairperson

Doyle O'Connor
Member

Katherine DeGrow
Member

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 27:
House Bill Nos. 4930 5492 5647 5674 5716 5763 5928 5932

The Secretary announced that the following official bills were printed on Thursday, May 27, and are available at the legislative Web site:

Senate Bill Nos. 1264 1265 1266 1267
House Bill Nos. 5944 5945 5946

The Secretary announced that the following official bills were printed on Friday, May 28, and are available at the legislative Web site:

Senate Bill Nos. 1268 1269 1270 1271 1272
House Bill Nos. 5947 5948 5949 5950 5951 5952 5953 5954 5955 5956 5957

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 27, 2004
Time: 10:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 991 (Public Act No. 120), being

An act to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned

by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies,” by amending section 2 (MCL 331.2).

(Filed with the Secretary of State on May 27, 2004, at 11:02 a.m.)

Date: May 27, 2004

Time: 10:20 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 839 (Public Act No. 121), being

An act to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue from the conveyance.

(Filed with the Secretary of State on May 27, 2004, at 11:04 a.m.)

Date: May 28, 2004

Time: 2:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 804 (Public Act No. 122), being

An act to amend 1967 PA 288, entitled “An act to regulate the division of land; to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that the land be suitable for building sites and public improvements and that there be adequate drainage of the land; to provide for proper ingress and egress to lots and parcels; to promote proper surveying and monumenting of land subdivided and conveyed by accurate legal descriptions; to provide for the approvals to be obtained prior to the recording and filing of plats and other land divisions; to provide for the establishment of special assessment districts and for the imposition of special assessments to defray the cost of the operation and maintenance of retention basins for land within a final plat; to establish the procedure for vacating, correcting, and revising plats; to control residential building development within floodplain areas; to provide for reserving easements for utilities in vacated streets and alleys; to provide for the filing of amended plats; to provide for the making of assessors plats; to provide penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal acts and parts of acts,” by amending section 183 (MCL 560.183).

(Filed with the Secretary of State on May 28, 2004, at 3:04 p.m.)

Date: May 28, 2004

Time: 2:04 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1023 (Public Act No. 123), 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,” (MCL 324.101 to 324.90106) by adding section 52511; and to repeal acts and parts of acts.

(Filed with the Secretary of State on May 28, 2004, at 3:06 p.m.)

Date: May 28, 2004

Time: 2:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1024 (Public Act No. 124), 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 sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

(Filed with the Secretary of State on May 28, 2004, at 3:08 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on May 27, 2004, and read:

EXECUTIVE ORDER
No. 2004-30

Recognizing Memorial Day

WHEREAS, Memorial Day was first officially proclaimed on May 5, 1868 by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, in General Order No. 11, and was first observed on May 30, 1868, when flowers were placed on the graves of soldiers at Arlington National Cemetery;

WHEREAS, in proclaiming Memorial Day General Logan wrote, "Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic";

WHEREAS, on Memorial Day we recognize individuals who have died in service to the United States of America, making the ultimate sacrifice to defend the freedoms our Nation holds so dear;

WHEREAS, under Section 6103 of Title 5 of the United States Code, 5 USC 6103, and Section 1 of 1865 PA 124, MCL 435.101, the last Monday in May is set aside as a legal public holiday in observance of Memorial Day;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, on Memorial Day the flag of the United States is to be displayed at half-staff until noon only, then raised to the top of the staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on Memorial Day morning as a mark of respect for the memory, and in honor of the service, of those killed defending our priceless freedom, peace and security;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, direct and proclaim:

A. On Memorial Day, Monday, May 31, 2004, until 12:00 noon that day, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan and at half-mast on Michigan waters, including at or on all state buildings and facilities.

B. When flown at half-staff or half-mast on Memorial Day, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff or half-mast position, where it should be flown until noon only, then raised to the top of the staff.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of May, in the year of our Lord, two thousand and four.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

May 27, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213:

Worker's Compensation Board of Magistrates

Mr. Murray A. Gorchow of 5532 Abington Road, West Bloomfield, Michigan 48322, county of Oakland, succeeding James Brakora, whose term expired January 26, 2003, appointed for a term commencing June 14, 2004 and expiring January 26, 2007.

May 27, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Section 35 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.35:

Michigan Employment Security Board of Review

Mr. Mark E. Kaufmann of 42 South Summit, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Ralph Deeds, whose term has expired, representing employee interests in this state, for a term commencing June 28, 2004 and expiring December 31, 2007.

Mr. Neal A. Young of 1136 Cadillac Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, reappointed to represent employer interests in this state, for a term expiring December 31, 2007.

May 27, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17021 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17021:

Michigan Board of Medicine

Mr. Ernest J. Sorini, M.D., of 350 Huntington Drive, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Harold Sauer, whose term has expired, representing physicians, for a term commencing May 27, 2004 and expiring December 31, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

INCOME TAX; PROPERTY TAX; COMMERCIAL FORESTS;
PLANT REHABILITATION; TECHNOLOGY PARK DEVELOPMENT;
UTILITY USERS; EXEMPTIONS; START-UP BUSINESSES

May 28, 2004

Today, pursuant to Section 33 of Article IV of the Michigan Constitution of 1963, I have acted on several bills, including legislation designed to protect the vitality of Michigan forests and a package of bills intended to provide tax reductions for start-up businesses.

Michigan forests play an important role in providing economic opportunities in this state through tourism, recreation, hunting, and other forestry activities. Protecting forestry jobs, certifying forests, and ensuring their sustainability is vital for both our economy and our environment. Accordingly, I have approved and signed three bills, Enrolled Senate Bills 1023 and 1024 and Enrolled House Bill 5554. I appreciate the manner in which the legislature worked with the administration in shaping these bills.

The development and growth of small, high-tech firms also will play a key role in Michigan's economic future. With that in mind, I have approved and signed Enrolled House Bill 5331, because the single business tax credit under this bill is focused, limited, based on the current financial conditions of a qualifying business, consistent with the need for fiscal responsibility in tight budget times, and without technical deficiencies.

In reviewing the remaining bills in the business start-up package to determine whether they have potential to be effective in the effort to create and retain jobs in Michigan, I considered the following:

1. Will the tax breaks actually reduce taxes for any businesses?
2. Will the tax breaks actually create jobs?
3. Is the business tax reduction related to the current financial condition of a qualifying business? If a tax break intended to be an incentive for a start-up business is realized too long after the business is started, it is not an effective incentive.
4. Are the bills free from technical errors or flaws?
5. Do the bills siphon money from the School Aid Fund without a specific mechanism to replace those dollars?

Based on these factors, I have vetoed and returned to the House of Representatives Enrolled House Bills 5335, 5341, 5342, 5343, and 5345. I also return to the Senate with my objections and without signature Enrolled Senate Bills 863, 865, 867, 869, 872, and 875. Several of the bills would provide no actual incentives, doing nothing to create and save jobs. Others provide the tax breaks too late to be effective, and several have technical flaws.

For example, Enrolled House Bill 5342 purports to give tax breaks to start-up businesses located in an enterprise zone. However, provisions allowing businesses to qualify for favorable tax treatment in the underlying enterprise zone

law *expired in 2003*. Michigan Economic Development Corporation records show that *not a single business* currently eligible would qualify for the exemption under this bill.

Similarly, Enrolled House Bill 5335 apparently provides no business tax relief and therefore no incentive for job creation. The proposed Neighborhood Enterprise Zone Act tax exemption would apply to taxes levied only on *residential* and not business property. The Senate Fiscal Agency indicated the bill would reduce taxes by an “unknown and likely zero amount.”

Enrolled Senate Bill 863 is also technically deficient. The bill would exempt businesses with no business income from the payment of state income taxes under the Income Tax Act of 1967 for five years. However, business entities do not pay state income tax. A business operating as a sole proprietorship with no business income has no income subject to tax under current law. In other words, *this bill purports to provide tax relief—but to businesses with no tax liability*.

Another bill with similar provisions amending the City Income Tax Act, Enrolled House Bill 5345, would provide minimal tax relief at best, and is unlikely to generate any jobs. The Senate Fiscal Agency indicated the revenue effects under this bill are “expected to be negligible.”

Under the seven remaining bills in the package, the benefits of a tax credit or exemption are too far removed from the business conditions giving rise to the credit or exemption. For example, Enrolled House Bills 5341 and 5343 and Enrolled Senate Bills 865, 867, 869, 872, and 875 exempt property and utility use from various taxes for a five-year period. However, the five-year tax exemption under these bills generally would not begin until two years after a business initially qualifies for a single business tax reduction under House Bill 5331. As a result, the exemptions under these bills are disconnected for up to seven years from the condition rendering the business eligible for the exemption. To assure needed job creation in Michigan, tax incentives must be more focused and accurately targeted.

I share the goal of job creation in Michigan and applaud the effort to look for ways to grow our economy. I also agree that the development and growth of small, high-tech firms will play a key role in Michigan’s economic future. Some of the deficiencies identified in these bills can be fixed and the bills signed into law, if they are strategic and targeted and have the desired effect. I look forward to working with you on them.

Respectfully,
Jennifer M. Granholm
Governor

These bills were returned from the Governor on May 28, 2004, at 3:22 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bills be postponed for today.
The motion prevailed.

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

Senators Leland and Bernero entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 267

Senate Bill No. 943

The motion prevailed.

Senate Bill No. 1009, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

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. 1160, entitled

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

The 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. 1179, entitled

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

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.

Third Reading of Bills

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

House Bill No. 4127

Senate Bill No. 908

Senate Bill No. 1191

The motion prevailed.

The following bill was read a third time:

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.

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. 331

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Johnson

In The Chair: President

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

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 332**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas

Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Goschka
Hammerstrom
Hardiman

McManus
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 333

Yeas—38

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

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

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Brater 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 bills:

House Bill No. 4984, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

Senate Bill No. 926, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as added by 1999 PA 66; and to repeal acts and parts of acts.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5517, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 87, following line 25, by inserting:

"Sec. 954. Local units of government that adopt ordinances or rules, whether by vote of the electorate, county commissions, city councils, or executive directive, that are in direct conflict with the Michigan constitution or state statute shall receive a 5% reduction in their statutory revenue sharing payment."

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

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5517

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

The following bill was read a third time:

House Bill No. 5517, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,
 Senator Switalski offered the following amendments:

1. Amend page 12, line 23, by striking out “17,301,500” and inserting “14,301,500”.
2. Amend page 13, line 23, by striking out “93,287,600” and inserting “90,287,600” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,
 Senator Switalski moved that consideration of the amendments be postponed temporarily.
 The motion prevailed.

Senator Prusi offered the following amendment:

1. Amend page 70, following line 19, by inserting:
 “Sec. 815a. Prior to the closing, consolidation, or relocation of any secretary of state branch office, the department of state shall provide each member of the senate and house of representatives standing committees on appropriations with a report that documents that the proposed changes will generate a minimum savings of 5%.”.
- The amendment was not adopted, a majority of the members serving not voting therefor.
 Senator Schauer requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 334

Yeas—17

Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Clarke	Leland	Scott
Bernero	Emerson	Olshove	Switalski
Brater	Goschka	Prusi	Thomas
Cherry			

Nays—21

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

Excused—0

Not Voting—0

In The Chair: Birkholz

Senators Switalski and McManus offered the following amendments:

1. Amend page 88, line 12, after “Sec. 962.” by inserting “(1)”.
2. Amend page 88, following line 15, by inserting:
 “(2) The prohibition in subsection (1) shall not apply to the use of NASCAR drivers in conjunction with instant ticket products. By November 1, 2005, the bureau of the state lottery shall provide a report detailing the revenue generated under this subsection to the senate and house standing committees on appropriations general government subcommittees. The report shall include the cost of obtaining the use of NASCAR drivers, other administrative costs, and net revenue deposited in the state school aid fund.”.

The question being on the adoption of the amendments,

Senator Hammerstrom moved that consideration of the amendments be postponed temporarily. The motion prevailed.

By unanimous consent the Senate returned to consideration of the first set of amendments offered by Senator Switalski. The question being on the adoption of the amendments, Senator Switalski withdrew the amendments.

By unanimous consent the Senate returned to consideration of the second set of amendments offered by Senator Switalski. The question being on the adoption of the amendments, Senator Hammerstrom moved that further consideration of the bill be postponed temporarily. The motion prevailed.

By unanimous consent the Senate returned to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 5, line 24, by striking out "1,825,000" and inserting "325,000".
2. Amend page 5, line 25, by striking out "28,566,400" and inserting "27,066,400".
3. Amend page 6, line 5, by striking out "22,847,100" and inserting "21,347,100" and adjusting the subtotals, totals, and section 201 accordingly.

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

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5519

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

The following bill was read a third time:

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

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

1. Amend page 16, line 20, by striking out all of subsections (14) and (15).

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

Senator Clarke offered the following amendments:

- 1. Amend page 2, line 25, by striking out "134,200" and inserting "131,800".
- 2. Amend page 3, line 3, by striking out "4,960,800" and inserting "4,958,400".
- 3. Amend page 3, line 21, by striking out "11,871,300" and inserting "11,771,300".
- 4. Amend page 4, line 1, by striking out "11,879,100" and inserting "11,779,100".
- 5. Amend page 4, line 15, by striking out "5,255,300" and inserting "5,155,300".
- 6. Amend page 4, line 21, by striking out "Historical grants 40,000"
- 7. Amend page 5, line 13, by striking out "5,249,500" and inserting "5,109,500".
- 8. Amend page 5, line 16, by striking out "327,400" and inserting "307,500".
- 9. Amend page 5, line 20, by striking out "13,832,100" and inserting "13,327,100".
- 10. Amend page 5, line 24, by striking out "1,825,000" and inserting "1,500,000".
- 11. Amend page 5, following line 24, by inserting:
"Grant to the Detroit public library 1,000,000
Grant to the Grand Rapids public library 125,000".
- 12. Amend page 6, line 5, by striking out "22,847,100" and inserting "23,122,200" and adjusting the subtotals, totals, and section 201 accordingly.
- 13. Amend page 19, line 14, by striking all of section 508.
- 14. Amend page 19, line 23, by striking all of section 509.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Clarke offered the following amendments:

- 1. Amend page 5, line 24, by striking out "325,000" and inserting "1,825,000".
- 2. Amend page 5, line 25, by striking out "27,066,400" and inserting "28,566,400".
- 3. Amend page 6, line 5, by striking out "21,347,100" and inserting "22,847,100" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were 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. 335

Yeas—24

Allen	Cassis	Hardiman	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Bernero	Garcia	Johnson	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Goschka	McManus	Toy
Brown	Hammerstrom	Olshove	Van Woerkom

Nays—14

Basham	Clarke	Leland	Scott
Brater	Emerson	Patterson	Switalski
Cherry	Gilbert	Prusi	Thomas
Clark-Coleman	Jacobs		

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.
 The question being on the motion to reconsider,
 Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

By unanimous consent the Senate returned to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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.

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 5520

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

The following bill was read a third time:

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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. 336

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.
 The question being on the motion to reconsider,
 Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

By unanimous consent the Senate returned to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (S-1).

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

1. Amend page 3, line 6, by striking out “500,000” and inserting “499,900”.
2. Amend page 3, line 8, by striking out “Michigan broadband development authority operations—10.0 FTE positions..... 1,296,600”
3. Amend page 4, line 11, by striking out “500,000” and inserting “499,900”.
4. Amend page 4, line 12, by striking out “Michigan broadband authority fees and charges..... 1,296,600.”
5. Amend page 7, line 8, by striking out “19,543,000” and inserting “19,543,100”.
6. Amend page 7, line 19, by striking out “13,288,100” and inserting “13,288,200”.
7. Amend page 7, following line 22, by inserting:

“Sec. 105. MICHIGAN BROADBAND DEVELOPMENT AUTHORITY

Full-time equated classified positions	10.0	
Director of legal and regulatory affairs—1.0 FTE position		\$ 143,400
Director of finance—1.0 FTE position		134,500
Director of marketing and customer development—1.0 FTE position		134,500
Director of accounting and purchasing—1.0 FTE position		108,500
Project director—1.0 FTE position.....		108,500
Director of community and government affairs—1.0 FTE position		92,300
Executive assistant 13—1.0 FTE position		71,100
Executive assistant 11—1.0 FTE position		61,900
Accountant—1.0 FTE position		54,000
Intern positions—1.0 FTE position		30,000
Administration		357,900
GROSS APPROPRIATION		\$ 1,296,600

Appropriated from:

Special revenue funds:

Michigan broadband authority fees and charges..... 1,296,600”
 and renumbering the remaining sections in part 1, and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 29, line 24, after "Sec. 335" by inserting "(1)".
9. Amend page 29, line 27, after "program." by striking out the balance of the line through "territory." on line 2 of page 30.
10. Amend page 29, following line 27, by inserting:
 "(2) Of the funds appropriated in part 1, \$5,000,000.00 is allocated to the community action agencies across the state to support shut-off protection programs for low-income individuals. The community action agencies shall abide by any reporting and monitoring requirements imposed by the public service commission on other grant recipients receiving funding through this program. These funds shall be distributed in the following manner:
 (a) \$3,000,000.00 shall be distributed no later than November 1.
 (b) The remaining \$2,000,000.00 shall be distributed on April 1, only if no law creating a statewide low-income energy efficiency program, funded by all regulated energy providers has been enrolled and signed by the governor.
 (3) All remaining funds shall be distributed solely within the Detroit Edison distribution service territory.
 (4) It is the intent of the legislature that the public service commission reconsider the distribution formula for low-income energy efficiency assistance grants by increasing the amount allocated for shut-off protection and other low-income energy efficiency programs above the amount allocated in fiscal year 2003-2004."
11. Amend page 34, line 14, after "contracts." by inserting "The report shall also include any payments to date for reimbursement to the Michigan state housing development authority. If no payments have been made, then the report shall include a detailed plan outlining the reimbursement schedule."

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

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 5521

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

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

House Bill No. 5521

House Bill No. 5517

The motion prevailed.

The following bill was read a third time:

House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The question being on the passage of the bill,

Senator Scott offered the following amendment:

1. Amend page 41, following line 26, by inserting:

"(15) The department shall convene a work group to review and recommend available options for providing increased flexibility regarding the education requirements as outlined in this act."

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

Senator Prusi offered the following amendment:

1. Amend page 24, line 3, by striking out all of section 217.

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

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 337**Yeas—16**

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

Nays—22

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

Excused—0**Not Voting—0**

In The Chair: Birkholz

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. 338**Yeas—37**

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

Nays—1

Patterson

Excused—0**Not Voting—0**

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.
 The question being on the motion to reconsider,
 Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

The following bill was announced:

House Bill No. 5517, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 978.)

The question being on the adoption of the second set of amendments offered by Senator Switalski,

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 1:28 p.m.

1:45 p.m.

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

The question being on the adoption of the amendments,
 Senator Switalski withdrew the amendments.
 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. 339

Yeas—21

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

Nays—15

Barcia	Cherry	Leland	Scott
Basham	Clarke	Olshove	Switalski
Bernero	Emerson	Patterson	Thomas
Brater	Jacobs	Prusi	

Excused—0

Not Voting—2

Clark-Coleman

Schauer

In The Chair: Birkholz

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

The question being on the motion to reconsider,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the Committee on Education be discharged from further consideration of the following bill:

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 motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Standing Together to Oppose Partial-birth-abortion (STTOP)

Legislative Initiative Petition

An initiation of legislation to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

The initiative petition was read a first and second time by title.

Senator Hammerstrom moved that rule 3.208 be suspended and that the initiative petition be placed on the order of Third Reading of Bills.

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

Senator Patterson introduced

Senate Bill No. 1273, entitled

A bill to repeal 2002 PA 49, entitled "Michigan broadband development authority act," (MCL 484.3201 to 484.3225).

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

Senator Brown introduced

Senate Bill No. 1274, entitled

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

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 Jelinek, Kuipers, Hardiman, Garcia, Allen and Bernero introduced

Senate Bill No. 1275, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh.

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

Senator Stamas introduced

Senate Bill No. 1276, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20120a (MCL 324.20120a), as added by 1995 PA 71.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4930, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 515 (MCL 436.1515).

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. 5492, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 514a.

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. 5647, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 3 of chapter XI (MCL 771.1 and 771.3), section 1 as amended by 2002 PA 666 and section 3 as amended by 2003 PA 101.

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. 5674, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 4a, 16a, and 31 of chapter IX and section 56 of chapter XVII (MCL 769.4a, 769.16a, 769.31, and 777.56), section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, and section 56 of chapter XVII as added by 1998 PA 317.

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. 5716, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 6 and 18 of chapter XIIA (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2004 PA 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 Judiciary.

House Bill No. 5763, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

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. 5928, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 350a and 430 (MCL 750.350a and 750.430), section 350a as amended by 1996 PA 14 and section 430 as amended by 2003 PA 235.

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. 5932, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2002 PA 694.

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.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I recently received a document in my office from the Insurance Institute of Michigan. The headline said, "Auto Rate Increases Slow Down in 2004." It went on to say that nationally the cost of auto insurance is expected to rise by 3.5 percent in our current year, which is reportedly the smallest increase in four years. The article attributes the decline to a reduced number of auto accidents due to better drivers, safer cars, and crackdowns on fraud and abuse.

What I found of particular interest, however, was the information provided near the end of the article. It stated that nationally the average driver will pay \$871 for auto insurance in 2004, but that amount obviously varies by state. The factors cited in the article that influence the cost of coverage: type of car and specific safety features; amount of miles driven and type of driving; driving record, including speeding tickets; age of driver; and coverage selected.

I can certainly agree with the five criteria mentioned above, but, quite noticeably, zip code is not listed. Where an individual lives is not one of the main factors listed as influencing the cost of coverage. Now, in Michigan, I know that your zip code plays a huge factor in determining your cost for auto and homeowners insurance. My work on insurance reform has been centered around this very factor. I would like to see our state put more emphasis on the five criteria listed above when setting rates for auto and homeowners insurance. Detroiters and others around this state must see some relief and not be penalized simply for their selection on where they live.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 1193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1194, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5526, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5522, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported
House Bill No. 5509, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported
House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Clarke and Switalski

Nays: Senator Cherry

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

The Committee on Appropriations reported
House Bill No. 5517, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

Nays: Senators Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, May 25, 2004, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

The Committee on Agriculture, Forestry and Tourism reported

Senate Resolution No. 143.

A resolution to encourage the further utilization of methane digestion in Michigan.

(For text of resolution, see Senate Journal No. 72 of 2003, p. 1618.)

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

A resolution to encourage the further utilization of methane digestion in Michigan.

Whereas, Michigan and the nation as a whole are constantly wrangling with waste management and energy consumption issues. According to the United States Environmental Protection Agency, Americans generate approximately 231.9 million tons of municipal solid waste annually. Cows, pigs, poultry, and agricultural processing also generate countless tons of accumulated waste. Likewise, according to the United States Energy Information Agency, Americans consume about 20 percent more electricity today than ten years ago; and

Whereas, Methane digester protect the environment by extracting useful energy from accumulated waste. Unlike incineration and landfills, methane digesters recover energy locked in organic matter in municipal solid waste, animal waste, and food processing waste. Methane digesters use bacteria to decompose organic matter in an oxygen-free environment, releasing biogas, a mixture of methane and carbon dioxide, which is suitable for generating heat and electricity. Extracting useful energy from waste renders it less of an environmental threat, reduces net greenhouse gas emissions, reduces the bulk of waste and associated landfill disposal requirements, and reduces the use of virgin natural resources; and

Whereas, The Michigan Department of Labor & Economic Development, Michigan Biomass Energy Program recognizes methane digesters as an important biomass energy technology. The program also encourages its use through its reports, partnerships, technical assistance, and educational efforts; now, therefore, be it

Resolved by the Senate, That we encourage the further utilization of methane digesters in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Agriculture, the Michigan Biomass Energy Program, and the Michigan Public Service Commission.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 955, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

Senate Bill No. 953, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

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.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

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 Agriculture, Forestry and Tourism submitted the following:
Meeting held on Thursday, May 27, 2004, at 9:00 a.m., Room 110, Farnum Building
Present: Senators Van Woerkom (C), Gilbert, Jelinek and Thomas
Excused: Senator Brater

The Committee on Banking and Financial Institutions reported
House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Leland and Clark-Coleman

Nays: None

The bill was 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 27, 2004, at 12:00 noon, Room 100, Farnum Building
Present: Senators Bishop (C), Van Woerkom, Sanborn, Leland and Clark-Coleman
Excused: Senators Stamas and Olshove

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 928, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

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.

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

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 Local, Urban and State Affairs submitted the following:
Meeting held on Thursday, May 27, 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. 5730, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: None

The bill was referred to the Committee of the Whole.

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

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.

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

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, 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 26, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Appropriations reported

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

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.

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, Hardiman, George and Barcia

Nays: Senators Prusi, Scott, Cherry, Clarke and Switalski

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

The Committee on Appropriations reported

House Bill No. 5516, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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.

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported
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.

(For text of resolution, see Senate Journal No. 51, p. 936.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, May 26, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, May 26, 2004, at 3:00 p.m., Room H-252, Capitol Building

Present: Senator Leland

Excused: Senator Goschka

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

Economic Development, Small Business and Regulatory Reform - Wednesday, June 2, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Finance - Wednesday, June 2, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, June 2, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Local, Urban and State Affairs - Thursday, June 3, 1:00 p.m., Room 110, Farnum Building (373-1707)

Technology and Energy - Wednesday, June 2, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 1:56 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 2, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

