

No. 56
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, June 3, 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—excused
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—excused
Van Woerkom—present

Father Richard Rakoczy of St. Perpetuas Catholic Church of Waterford offered the following invocation:

Lord, God of us all, Your civil servant, former President Harry S. Truman, after his first day as President of these great United States, said to a group of newsmen: "Boys, if you ever pray, pray for me now. When they told me yesterday what had happened, I felt like the moon and the planets had fallen on me."

Lord, I pray for all of these good women and men gathered here today in congressional session and ask Your divine blessings upon them. They bear the heavy responsibility of government of this wonderful state of Michigan in these very difficult and trying times in our history. Grant them strength and courage to do always that which is right; that which promotes peace, justice, and liberty for all. May they always have the best interest of the people they represent at heart, or, in the words of President Abraham Lincoln: "with malice toward none and charity toward all."

Encourage them, Lord, to promote the well-being and security of every woman, man, and child in this wonderful waterland that is the state of Michigan. I ask that You, Lord, inspire and guide all of their deliberations and consequent decisions today and in the days to come. May they keep in mind and heart the spirit and words of Psalm 127, quoted by the late President John F. Kennedy: "Unless the Lord builds the house, they labor in vain who build it."

So, good Senators of this great state, may the Lord bless you and keep you in His care. May He protect you from harm and grant you His peace today and always. Amen.

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

Motions and Communications

Senators Hammerstrom and Johnson entered the Senate Chamber.

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

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

Senator Schauer moved that Senators Leland, Thomas and Emerson be temporarily excused from today's session.
The motion prevailed.

Senator Schauer moved that Senator Clark-Coleman be excused from today's session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 2:
House Bill Nos. 5549 5799 5800

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 2, for her approval the following bills:

Enrolled Senate Bill No. 662 at 1:45 p.m.
Enrolled Senate Bill No. 981 at 1:47 p.m.
Enrolled Senate Bill No. 987 at 1:49 p.m.
Enrolled Senate Bill No. 559 at 1:51 p.m.
Enrolled Senate Bill No. 724 at 1:53 p.m.
Enrolled Senate Bill No. 1073 at 1:55 p.m.
Enrolled Senate Bill No. 912 at 1:57 p.m.
Enrolled Senate Bill No. 913 at 1:59 p.m.

The Secretary announced that the following official bills were printed on Wednesday, June 2, and are available at the legislative Web site:

Senate Bill Nos. 1273 1274 1275 1276
House Bill Nos. 5958 5959 5960 5961 5962 5963 5964 5965 5966 5967 5968 5969

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

Senate Bill No. 267

Senate Bill No. 320

The motion prevailed.

Senators Thomas and Emerson entered the Senate Chamber.

Senator Hammerstrom moved that consideration of the following bill be postponed temporarily:

Senate Bill No. 626

The motion prevailed.

Senator Goschka entered the Senate Chamber.

Senate Bill No. 918, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539j.
 (For text of amendment, see Senate Journal No. 55, p. 999.)

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. 347

Yeas—35

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

Nays—0

Excused—3

Clark-Coleman	Leland	Toy
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Not Voting—0

In The Chair: Sanborn

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

Senator Leland entered the Senate Chamber.

Third Reading of Bills

The following bill was announced:

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.

(This bill was passed on June 1 and the motion to reconsider the vote postponed. See Senate Journal No. 54, p. 984.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Hammerstrom withdrew the motion.

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

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

The Senate agreed to the title of the bill.

The following bill was 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 passed on June 1 and the motion to reconsider the vote postponed. See Senate Journal No. 54, p. 986.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Hammerstrom withdrew the motion.

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

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

The Senate agreed to the title of the bill.

The following bill was announced:

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.

(This bill was passed on June 1 and the motion to reconsider the vote postponed. See Senate Journal No. 54, p. 982.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Hammerstrom withdrew the motion.

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

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

The Senate agreed to the title of the bill.

The following bill was announced:

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.

(This bill was passed on June 1 and the motion to reconsider the vote postponed. See Senate Journal No. 54, p. 980.)

The question being on the motion to reconsider the vote by which the bill was passed,
Senator Hammerstrom withdrew the motion.

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

The following bill was read a third time:

House Bill No. 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 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. 348

Yeas—32

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

Nays—4

Brater	Emerson	Jacobs	Scott
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Excused—2

Clark-Coleman	Toy
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Not Voting—0

In The Chair: Sanborn

Senator Hammerstrom moved that the bill be given 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 make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Senator Schauer moved that Senator Emerson be temporarily excused from today’s session.

The motion prevailed.

The following bill was read a third time:

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 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. 349

Yeas—35

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

Nays—0

Excused—3

Clark-Coleman	Emerson	Toy
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

House Bill No. 4984

House Bill No. 4983

Senate Bill No. 928

Senate Bill No. 955

Senate Bill No. 953

The motion prevailed.

The following bill was read a third time:

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.

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. 350

Yeas—35

Allen	Cherry	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott

Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Prusi	

Nays—0

Excused—3

Clark-Coleman	Emerson	Toy
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Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was 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 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 read a third time:

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

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. 351

Yeas—35

Allen	Cherry	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Prusi	

Nays—0

Excused—3

Clark-Coleman	Emerson	Toy
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Not Voting—0

In The Chair: Sanborn

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

The following bill was read a third time:

Senate Bill No. 928, entitled

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

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. 352

Yeas—35

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

Nays—0

Excused—3

Clark-Coleman	Emerson	Toy
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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. 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.

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. 353**Yeas—30**

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

Nays—5

Brater	Clarke	Leland	Scott
Cherry			

Excused—3

Clark-Coleman	Emerson	Toy
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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. 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.

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. 354

Yeas—32

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

Nays—4

Brater	Leland	Schauer	Scott
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Excused—2

Clark-Coleman	Toy
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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 Kuipers as Chairperson.

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

Senate Bill No. 1203, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8395 (MCL 600.8395).

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.

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.

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 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:

Senate Bill No. 1240, 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 7 (MCL 125.1657), as amended by 1985 PA 221.

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.

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

Senate Bill No. 1244, entitled

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

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

1. Amend page 1, line 5, after "**heirs**" by striking out the balance of the line through "**decisions**" on line 6.

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

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

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

Senate Resolution No. 267

The resolution consent calendar was adopted.

Senator Cassis offered the following resolution:

Senate Resolution No. 267.

A resolution honoring Heidi Capraro, Michigan Teacher of the Year.

Whereas, The Michigan State Senate is honored to commend Heidi Capraro for the hard work and devotion towards her students that have led to her being named the Michigan Teacher of the Year; and

Whereas, This teacher of 14 years has proven her talents and passion in educating children to be invaluable assets to the state of Michigan by making learning fun and serving as a positive role model for her students as well as an inspiration for her fellow educators; and

Whereas, The success of this teacher in her many endeavors has touched the lives of countless young people by challenging them to always work hard, stay focused, and strive to achieve their goals; and

Whereas, Heidi Capraro's immense passion and enthusiasm toward education have instilled the necessary confidence in her students for them to establish a strong foundation and build a successful future for themselves; and

Whereas, This sixth grade teacher at Hillside Middle School in Northville, Michigan, will now serve as an ambassador representing the views and concerns of over 102,000 educators from across our great state in her noble profession; now, therefore, be it

Resolved by the Senate, That we hereby commend and applaud the efforts of Heidi Capraro as she is named the Michigan Teacher of the Year. We extend the most sincere wishes for continued success for many years to come; and be it further

Resolved, That a copy of this resolution be transmitted to Heidi Capraro as a symbol of our esteem and appreciation for all that she has done.

Senators Bernero, Birkholz, Clarke, Cropsey, Goschka, Hardiman, Jacobs, McManus, Olshove, Prusi, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senate Resolution No. 248.

A resolution honoring the 60th Anniversary of D-Day and the Allied invasion of Europe.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Brown's statement is as follows:

This resolution honors the good men and women of our parents' generation, and for some, as in the case of my chief of staff Ben Bodkin, their grandparents' generation. It was a generation that grew up in the Depression, and then was asked to yield the bloom of its youth to fight against the greatest assault on freedom and liberty the modern world has ever seen.

Specifically, Mr. President, this resolution honors the unwavering and steadfast commitment of American, British, Canadian, French, and other nationals who threw themselves against Hitler's Atlantic Wall and did the impossible. They broke through, forming the Western Front and sealing the fate of the Axis powers to the ash heap of history. The cost of turning the tide was 9,000 allied souls—dead, wounded, and missing.

The D-Day invasion, Mr. President, represents the most selfless act of a free people, united in a common cause—the defeat of the most evil empire ever unleashed upon the civilized world. Today we witness others who would use terror to control nations and people. But as we reflect on the events of June 6, 1944, we are reminded of the courage, valor, and unspeakable sacrifice that are often required to preserve our freedom.

Mr. President, I respectfully ask for your support of this resolution as a token of remembrance and deep gratitude to the valiant liberators of June 6, 1944.

Senate Resolution No. 143.

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

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

Substitute (S-1).

The substitute was adopted.

The 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.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 355**Yeas—36**

Allen	Cherry	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	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0**Excused—2**

Clark-Coleman Toy

Not Voting—0

In The Chair: Sanborn

House Concurrent Resolution No. 56.

A concurrent resolution to urge the Department of Community Health to work through organizations that provide assistance to senior citizens, such as the Area Agencies on Aging, to provide information on long-term health care options, including community-based services.

Whereas, The Michigan Legislature recognizes that public policy changes are needed that will make the best use of limited public resources and offer Medicaid long-term care consumers a choice of quality care options; and

Whereas, Most long-term care consumers do not know about their long-term care options. A recent study shows that 90 percent of family members with a loved one in a Michigan nursing home do not know that there are community-based care alternatives that may be available to them. All persons seeking long-term care assistance must be educated about the range of options where their care can be provided; and

Whereas, Medicaid long-term care consumers receive payment for care based on their care setting or program, and not on their level of need. The Medicaid payment system for nursing home and community-based care compels providers to enroll low-need, low-cost individuals to offset the greater cost of caring for individuals with the most complex needs. Organizations serving high-need individuals should receive higher levels of reimbursement, and less reimbursement should be paid for lower-need individuals. A mandatory screening can determine acuity levels, and reimbursement can be based on the needed level of care; and

Whereas, Because the MI Choice Medicaid Waiver program will only admit a limited number of participants in 2004, consumers may be unable to choose their preferred care setting option. Medicaid funds should be following the person to the setting of their choice. State policies must be designed to offer consumers a comprehensive range of long-term care service and settings, such that consumers are able to receive care in the least restrictive and most cost-effective setting appropriate to meet their care needs; and

Whereas, Medicaid is a 37-year-old federally created program that has not evolved to accommodate innovations in the provision of long-term care services. In 1992, Michigan created the MI Choice program as a way to expand provision of long-term care services into community-based settings. However, Michigan has not been able to expand the role of community-based care to meet increased demand from consumers for options outside of traditional Medicaid-financed settings. The federal government is now calling on states to allow consumers to choose community-based care alternatives, and to rebalance their Medicaid long-term care spending to match consumer preference. Michigan will need to adjust its policies to accommodate the federal changes; and

Whereas, The involvement of stakeholders in shaping the direction of Michigan's long-term care reforms is critical. Efforts to support the provision of care in the least restrictive setting require redirected funding, public education,

support for nursing home transitions, and formation of a Long-Term Care Task Force. These activities serve as a solid foundation upon which to build long-term care reforms; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan Department of Community Health to work through organization that provide assistance to senior citizens, such as the Area Agencies on Aging, to provide information on consumer long-term care options, through Medicaid programs, other federal/state funded programs and services, and private pay arrangements; and be it further

Resolved, That we urge the Department of Community Health to develop and require the use of an acuity screen for all persons seeking Medicaid long-term care to assess their medical eligibility and determine their level of need. We call on the department to make the acuity screen available to everyone seeking long-term care, regardless of payment source; and be it further

Resolved, That we call on the Michigan Department of Community Health to move with all deliberate speed to implement the policy reforms outlined, including consumer education, need-based payments, consumer choice, money following the person, and a rebalancing of long-term care spending that reflects a shift in demand from nursing home to community-based care; and be it further

Resolved, That it is the intent of the Michigan Legislature to make home- and community-based services a priority in all budget deliberations, honoring the principles of consumer choice and money following the person; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Community Health.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Birkholz, Clarke, Cropsey, Goschka, Hardiman, Jacobs, Olshove, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Brown, Garcia, Brater, Barcia, Goschka, George and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

When my sister and three brothers and I grew up, there was no fear of domination by Nazi Germany and the imperial forces of Japan. In fact, Mr. President, we experienced all the joys of our youth and freedom and leisure. We could play baseball all day in the summer months with no worry. We could even listen, yes, to the magical sounds of Motown Records, and all was well with the world. But this was not the case for my father and his generation. They left the innocence of their youth to fight and conquer those very forces that were absent from the scene a generation later. I am deeply grateful, Mr. President, for what they did. I am grateful for the freedom and liberty they secured for their children and their grandchildren.

On June 6th, we commemorate the 60th Anniversary. Several of our members have a very special part to contribute to this commemoration. For my part, let me begin by reading Senate Resolution No. 248:

A resolution honoring the 60th Anniversary of D-Day and the Allied invasion of Europe.

Whereas, The 6th of June 2004 marks the 60th Anniversary of June 6, 1944, the Allied invasion of Normandy, France, and, yes, the turning point of World War II in the European Theatre; and

Whereas, The invasion was the largest amphibious assault in the history of the world, involving more than 175,000 men, 11,000 aircraft, and 5,000 ships. We must recognize this historic mobilization as the pivotal event of the 20th century, on which rested the future of the free world; and

Whereas, The battle was long and bloody as Hitler's Wehrmacht (armed forces) inflicted more than 5,000 American casualties, 3,000 British casualties, and 1,100 Canadian casualties; a total of more than 9,000 Allied souls dead, wounded, or missing. We must not forget that these lives were given, in the words of President Roosevelt, "to preserve...our civilization and to set free a suffering humanity"; and

Whereas, World War II was fought to defeat evil and secure the blessings of liberty around the world. We must remember the men and women of that time whose lives were cut short, interrupted, and changed forever, and the generations lost and scattered in the struggle; and

Whereas, Those who sacrificed their youth and their lives to set free millions held in bondage by the forces of evil must be recognized and remembered by posterity as heroes, deliverers, and patriots of liberty; and

Whereas, The dedication of the invasion forces to free those whom they had never met, their courage to rise from the waves and stand against the unprecedented volley of fire from the entrenched German bunkers, and the fortitude of those in the invasion to rise up even in the face of incredible odds and ultimately win the day must all be upheld as examples of unspeakable valor and courage. It speaks to the best of an unselfish human spirit; now, therefore, be it

Resolved by the Senate, That we hereby recognize June 6, 2004, as the 60th Anniversary of D-Day, the commencement of Operation Overlord, the Allied invasion of Normandy, France, and the liberation of Europe from Nazi occupation and oppression. The men of D-Day came ashore not as invaders, but as liberators, bearing the best of human ideals as gifts to the oppressed people of Europe. May God forever bless the noble souls of D-Day, their families, and the generations saved by their gallant and heroic sacrifices.

Senator Garcia's statement is as follows:

In a moment I wish to introduce to the chamber, to my colleagues, a very special American, a young man who actually landed in Normandy; actually dropped into Normandy, I should say. Before I do, I would like to read to you a little bit about his life story. His name is Donald R. Burgett, born April 5, 1925. He attended Mackenzie High School through tenth grade on the far west side of Detroit. He voluntarily entered the military on April 5, 1943. He wanted to join before he turned 18 years old, but his parents would not let him, so he voluntarily went down and signed an induction slip so that he could be drafted the day after his birthday. When he went to sign up, he joined up with the paratroopers, which at the time were an experimental group of elite soldiers who were doing something that hadn't been done before.

After basic training, he took parachute training at Fort Benning, Georgia, from August to September 1943. I took airborne training at the same place about 50 years after that. He then was assigned to the Alpha Company 506 Parachute Regiment of the 101st Airborne Division. He trained with day and night parachute jumps and ground military problems related to preparing for the Normandy invasion. On the evening of June 5, 1944, he loaded up on a C-47, and at the point of the spearhead, jumped into Normandy at 1:14 a.m. on June 6, 1944. He landed at a small town called Ravenoville, 12 miles from his intended drop zone.

He fought Normandy from June 6 until June 12, when we liberated the large city of Carantan. On June 13, 1944, he was ordered to conduct a bayonet charge against the counter-attacking 37th SS Panzers and Panzer Grenadiers. He was wounded for the first time and left for dead. He came to, and with a total loss of hearing, decided that there was nothing better to do than to continue with the attack. He attempted to find his comrades, as they were also attacking.

He was struck down by a shell fragment, which he nearly lost his right arm just below his elbow. He was taken to the 216th General Hospital in Coventry, England. Shortly after his stitches were pulled out, he parachuted into Holland, where he fought under General Montgomery's command for 72 straight days and nights. After being relieved in Holland, they only had 38 men left out of the 170 men who had jumped into Holland that D-Day, September 17, 1944. That was, you may recall, the Bridge Too Far Battle.

Three weeks out from the battle of Holland, he was sent out to participate in the Battle of the Bulge, and they were told to hold the city of Bastogne: "You will take and hold the city of Bastogne at all costs. There will be no surrender and no withdrawal." So, with no weapons, no ammunition, and below-zero weather and very little winter clothing, they fought for 22 days after Patton's 4th Armored Brigade. He was wounded for a third time by rifle fire, and all the hospital medics had been captured, so he was forced to remove the bullet by himself.

Two days after being released from Belgium, he arrived by truck in Alsace, where he helped to stop the new German operation called Nord Wind.

He went on to be discharged from the Army on the last day of December 1945. He wandered around the United States for a little while, came back to Michigan, and ended up getting married. He ended up having five children, nine grandchildren, and 14 great-grandchildren. He was awarded the Combat Infantry Badge, one Bronze Star, and two Purple Hearts—his one wound was not treated by medics, therefore, there is no record—three Presidential Unit Citations, four Bronze Campaign Stars, two invasion arrowheads, the Croix de Guerre with Palm, France; the Croix de Guerre with Palm, Belgium; Fourrage're, Belgium; and the Orange Lanyard of Holland; but, unfortunately, he did not receive the Good Conduct Medal.

He came back from the war and was not old enough to vote. He could not buy a car on contract. He could not even buy himself a beer because he was not legally old enough. He worked as a carpenter, finally retiring as a resident homebuilder. He wrote four books on the war, one of them is called *Currahee*, which is the Indian word for stand alone. When they were at Fort Benning, they had three-mile runs—three miles to Currahee, three miles up Currahee, three miles down Currahee, and three miles back to the barracks for a nice three-mile run. His book *Currahee* I read as a young boy inspired me to follow and read history and eventually become a soldier myself. I first read it in the *Reader's Digest* version. He has the book here, and it was named one of the top six books of World War II.

Ladies and gentlemen, let me introduce to you Mr. Donald Burgett up in the east Gallery.

Senator Brater's statement is as follows:

I would like to acknowledge the efforts of my colleagues from the 16th District and from the 22nd District in helping us commemorate D-Day today. So much has been said; I won't repeat it, but I, too, have a very, very, very honored guest today in the north Gallery. He is here with his wife Joanne, his son Charlie, and his daughter-in-law Brenda, and his name is Mr. John Ripple.

He served in the 397th Anti-Aircraft Artillery Provisional Machine Gun Battalion. He was attached to the 1st Infantry Division, which was known as the "Big Red One." He was part of the first wave to arrive on Omaha Beach. I think that those of us of this generation of children of those who served in World War II can only try to imagine the unthinkable danger that these men faced as they arrived on these beaches facing enemy fire, totally unprotected.

Mr. Ripple has been commended, and we commend him today for his heroic actions. Exposing himself to even more danger, he remained on the beach to save the lives of wounded comrades by rescuing them from the rising tide on the invasion beach.

Today he is 80 years old and actively involved in the Washtenaw County Honor Guard. He organizes and performs military funerals for those who are eligible and for those who request them. He takes care of about 90 of these a year in Washtenaw County.

Mr. President and Senate colleagues, I know that you share with me in our extraordinary gratefulness to Mr. John Ripple and all that his comrades did to protect our freedom and to liberate you up from Nazi Germany. I would ask you to welcome Mr. Ripple and his family who are now in the north Gallery.

Senator Barcia's statement is as follows:

I rise today to honor the brave service and tragic loss of Sergeant Aaron Elandt of Port Hope, Michigan. Sergeant Elandt was killed in Iraq last Sunday when the Humvee he was in struck a land mine while responding to a mortar attack, just south of Baghdad. A graduate of Harbor Beach High School in 1999, Sergeant Elandt continued a proud and distinguished family tradition when he enlisted in the United States Army. The youngest of four children, Sergeant Elandt's two older brothers and older sister also served in the Army. His father Paul served two years of service in Vietnam.

Sergeant Elandt was a Calvary scout with the 1st Battalion, 6th Infantry Division, 1st Armored Division and had been in Iraq for about 14 months. By all accounts, Sergeant Elandt never complained about his time in Iraq and even went out of his way to respond to all of the many letters he received from friends, family, and students at an elementary school in his hometown. His quiet and steadfast dedication to his mission and his country should remind us all that extraordinary courage, grace, and patriotism are found in our youngest of citizens and our noblest of soldiers.

Sergeant Elandt's untimely death on the eve of Memorial Day once again demonstrates the ultimate sacrifice our men and women in uniform are willing to make to keep us safe and free. Today our thoughts and prayers go out to Sergeant Elandt's family in this trying and very difficult time. While no words can ease the pain of such a heartbreaking loss, we do hope that our eternal gratitude and admiration for Sergeant Elandt's service and sacrifice will provide them with some comfort as they lay to rest a fallen hero.

Senator Goschka's statement is as follows:

Listening to the various speakers today regarding the events of D-Day and taking a moment to honor the distinguished gentlemen who have been recognized because of their gallant efforts during D-Day, I am prompted as well to recall to this body an event that happened in my life as I talked with a lady at school, back when I was a sophomore in high school.

I'll never forget the shock on my face when she said to me relating to my mom and her first husband. And I thought, "Her first husband?" I thought she only had one. The lady looked at me, and I knew her very well. She said, "Well, yeah, your mom was married once before, and she had a husband who was killed during the Normandy invasion." I was just stunned. I went back home, and my mother at the time would have been about 24 years old. I asked her about it and she was just silent. Here I was just 16 years old and had never heard about this. Obviously, it was something that just wasn't talked about. Then she quietly began to tell me that, yes, she had been married. Her husband was killed. His name was Elwood Breier, from the Maple Grove area in Saginaw County. He indeed was killed during Normandy, and I asked her how the information was given to her. It was very difficult for her, and my nature is to try to get all of the information I can to understand. Her nature was completely different, and so out of respect, I just kept silent, but I always knew then that war had a very personal effect on a lot of people.

At 24 years old, the last thing you are thinking of probably, at least in our day and age, is losing a spouse in war. Of course, with Iraq that's been renewed, but it really left an indelible imprint on my mind, a new and genuine appreciation for anybody who goes off to war to fight for their country and to think of the people who are left at home, who love those people. They don't always come back. There are those who do pay the supreme sacrifice.

As we debate on a daily basis and we carry on with what we do, we have freedom; we have liberty to do so. But that freedom and liberty are not free. It was paid for by our comrades, most of whom we have never met and will never know. It made me realize how much I do take for granted on a daily basis that which has been given to me on the backs of others.

So, as I hear this today, I think of my mom, who is no longer with us, but the pain she must have endured as a young 24-year-old bride, losing her husband to war. I later learned more about my own home area. I lived kitty-corner from a gentleman named Michael Schlachter from Chesaning. I found out later that he was quite the war hero. He never talked about it, and I had known him all my life. And to this day, he still doesn't talk about it. But he was a paratrooper, jumped behind enemy lines during D-Day. And, again, I was reminded that we live in the midst of a lot of heroes, and for whatever reason, because of their upbringing, they don't talk about it so much. Whereas I, think in our society we are much more open to talk about what we experience, how we feel, and what we think. That age just went out and did their job on a day-by-day-by-day basis and just looked at it as though it was their duty. They didn't see themselves as heroes.

But I hope, as we do reflect on D-Day and these men and women and the way they serve our country, that we will have a renewed appreciation for what they have given us. It's not free. They invested much of their lives, and some never made it home. I'm just grateful today that I am an American. This is the greatest country in the world and always will be.

Senator George's statement is as follows:

I rose to bring the chamber's attention to another event that will occur between now and the next time we convene next week. I'm changing the subject quite a bit, but it's something that I want to mention. It's an event that has only been witnessed five times in human history. It's actually an astronomy event; it's the passage of the planet Venus across the face of the sun.

Venus, of course, has an orbit between the Earth's and the sun's, and just like the moon, will occasionally block out the sun and cause a solar eclipse. The planet Venus does that from time to time; it crosses across the face of the sun, and that can be seen from the Earth. The last time it occurred was 120 years ago. You might say who cares? But it is important because it was using this observation that allowed early astronomers to actually measure the dimensions of the solar system to learn how far away the planets are, to learn how big the sun is, and how far away it was. It was an important discovery just like the observation that the Earth is round and not flat, or like learning how genes are passed from one generation to the next. So it's an important scientific anniversary.

So when you rise on Tuesday morning and begin your drive to Lansing as the sun rises, the transit will already be partly in progress. I wouldn't advise you to stare at the sun, but if you did have a way to look at it directly, the planet Venus would look like a small sunspot passing across the face of the sun. The last time it occurred in the 1880s, the federal government chartered expeditions of scientists all around the world, eight of them, to observe this from different points on the Earth. That enabled them to calculate how far away the sun was. That's how we learned the sun is 93 million miles away. It's knowing these dimensions that allows us to explore the solar system. We have two robot explorers on Mars right now, exploring the planet's surface looking for signs of water from an earlier age.

I'm telling you this because it's through observations like this that we learn about our world, that we learn about the solar system and the universe and the world around us. For me, it fills me with amazement and wonder over the natural world that God has created for us.

So when you rise Tuesday morning and you're beginning your journey to Lansing, look to the heavens and thank God for the beauty of the universe and our solar system and the fact that we can come back and meet here next Tuesday.

Senator Scott's statement is as follows:

I, too, would like to honor all the soldiers and especially an uncle of mine that on D-Day was blown up, but thank God, he lived up until a couple years ago. I'm grateful for that.

There is little doubt that re-working this state's insurance system is a huge undertaking. I certainly understand that there are many factors to consider. I want to make it perfectly clear that my intentions are not a direct attack on insurance companies or any particular group of legislative or policy leaders. I just truly believe that it is our duty and our obligation to review and take a serious look at the huge rate disparities that exist in this state for auto and homeowners insurance.

What I am asking for is that this legislative body examine this serious issue because it is a very serious issue for many of my constituents and your constituents who are forced to pay increasingly excessive insurance premiums, many of whom are unable to make these kinds of payments because for many they are extremely excessive.

Yes, my intentions are good for the good of the people, and I again ask that my colleagues work with me to bring equity and fairness to many ratepayers who must pay exorbitant premiums to cover their homes and cars.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Garcia, Barcia, Cropsy, Prusi, Goschka, Toy, Hardiman and George introduced **Senate Bill No. 1286, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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

House Bill No. 5549, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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 Health Policy.

House Bill No. 5799, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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 Appropriations.

House Bill No. 5800, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2003 PA 151.

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 Appropriations.

Committee Reports

The Committee on Commerce and Labor reported

Senate Bill No. 1201, 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 3 (MCL 125.1653), as amended by 1993 PA 323.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 1202, entitled

A bill to provide for the establishment of a historical neighborhood tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, June 1, 2004, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5681, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76505 and 76507 (MCL 324.76505 and 324.76507), as added by 1995 PA 58, and by adding section 76507a.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, June 1, 2004, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Transportation reported

House Bill No. 5008, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226 and 802 (MCL 257.226 and 257.802), as amended by 2003 PA 152.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5094, entitled

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

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.

Judson S. Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 5273, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

With the recommendation that the bill pass.

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

Judson S. Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5802, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, and section 708b as added by 1991 PA 55; 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.

Judson S. Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

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 Transportation submitted the following:

Meeting held on Tuesday, June 1, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

Scheduled Meetings

Commerce and Labor - Tuesday, June 8, 3:00 p.m., Room 100, Farnum Building (373-2413)

Judiciary - Tuesday, June 8, 1:00 p.m., Room 210, Farnum Building (373-3760)

Natural Resources and Environmental Affairs - Tuesday, June 8, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:28 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, June 8, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

