

No. 61
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, June 16, 2004.

10:00 a.m.

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

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

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

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

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

Rabbi Harvey Spivak of Congregation of Moses of Kalamazoo offered the following invocation:

An American astronaut said that one of the hardest things about traveling in space is keeping track of which way is up. But it is apparent that we don't have to leave the surface of the earth to have trouble remembering which way is up, and so we pray to the Almighty for guidance.

Creator of all flesh, we remember the prophet's teaching that we are all Your children. May all the citizens of Michigan, citizens of all races and creeds, forge a common bond in true harmony to safeguard the ideals and free institutions which are the pride and glory of our state and our country.

Our Creator in heaven, we ask Your blessings for the state of Michigan, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Bless all those who lead and govern Michigan with Your Spirit. Teach them insights of Your wisdom, that they may govern our state so that peace and security, justice and prosperity, freedom and opportunity may always abide in our midst. Amen.

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

Motions and Communications

Senators Goschka and Johnson entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Clarke admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:19 a.m.

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

During the recess, Senators Clarke and Clark-Coleman and Representative Murphy introduced a delegation from the Republic of Ghana, West Africa, who are introducing computers and the Internet to teachers and students in Ghana to help bring computer skills to Ghana.

Mr. John Sagoe, representing the business community, and Mr. Samuel Obiri, Special Assistant to the Minister of State, responded briefly.

During the recess, Senators Leland and Bernero entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 15:
House Bill Nos. 5724 5725 5726

The Secretary announced that the following official bill was printed on Tuesday, June 15, and is available at the legislative Web site:

Senate Bill No. 1297

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
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
 The motion prevailed.

The following message from the Governor was received and read:

June 15, 2004

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

State Community Corrections Board

Mr. Louis Dean of 2438 Martin Avenue, S.E., Grand Rapids, Michigan 49507, county of Kent, succeeding John Wynbeck, whose term has expired, representing an existing community alternatives program, for a term commencing June 15, 2004 and expiring March 29, 2008, appointed under Section 3(3)(g).

Mr. Carl W. Solden of 1055 South Williams Lake Road, Waterford, Michigan 48327, county of Oakland, succeeding Mary Kay Scullion, whose term has expired, representing the general public, for a term commencing June 15, 2004 and expiring March 29, 2008, appointed under Section 3(3)(k).

Mr. George Zulakis of 1762 Spring Lake Drive, Okemos, Michigan 48864, county of Ingham, succeeding Lawrence J. Emery, whose term has expired, representing a criminal defense attorney, for a term commencing June 15, 2004 and expiring March 29, 2008, appointed under Section 3(3)(j).

Mr. John W. Phillips of 2930 Flora Lane, Wayne, Michigan 48184, county of Wayne, reappointed to represent a chief of a city police department, for a term expiring March 29, 2008, appointed under Section 3(3)(b).

Sincerely,
 Jennifer M. Granholm
 Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received:

Date: June 15, 2004
 Time: 1:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1074 (Public Act No. 138), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” by amending section 17 (MCL 250.1017).

(Filed with the Secretary of State on June 15, 2004, at 2:48 p.m.)

Date: June 15, 2004
Time: 1:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 241 (Public Act No. 139), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.1100) by adding section 1073.

(Filed with the Secretary of State on June 15, 2004, at 2:50 p.m.)

Date: June 15, 2004
Time: 1:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 559 (Public Act No. 141), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

(Filed with the Secretary of State on June 15, 2004, at 2:54 p.m.)

Date: June 15, 2004
Time: 1:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 977 (Public Act No. 143), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 3115 (MCL 324.3115), as amended by 2004 PA 91.

(Filed with the Secretary of State on June 15, 2004, at 2:58 p.m.)

Date: June 15, 2004
Time: 1:31 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 662 (Public Act No. 145), being

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

(Filed with the Secretary of State on June 15, 2004, at 3:02 p.m.)

Date: June 15, 2004
Time: 1:37 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1179 (Public Act No. 146), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.1100) by adding section 74.

(Filed with the Secretary of State on June 15, 2004, at 3:04 p.m.)

Date: June 15, 2004
Time: 1:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1160 (Public Act No. 147), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.1100) by adding section 82.

(Filed with the Secretary of State on June 15, 2004, at 3:06 p.m.)

Date: June 15, 2004
Time: 1:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1073 (Public Act No. 148), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

(Filed with the Secretary of State on June 15, 2004, at 3:08 p.m.)

Date: June 15, 2004
Time: 1:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 913 (Public Act No. 149), being

An act to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

(Filed with the Secretary of State on June 15, 2004, at 3:10 p.m.)

Date: June 15, 2004
Time: 1:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 912 (Public Act No. 150), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance

violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

(Filed with the Secretary of State on June 15, 2004, at 3:12 p.m.)

Date: June 15, 2004

Time: 1:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 981 (Public Act No. 151), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

(Filed with the Secretary of State on June 15, 2004, at 3:14 p.m.)

Date: June 15, 2004

Time: 1:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 987 (Public Act No. 152), being

An act to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require certain licenses in relation thereto; to provide for performance objectives for certain driver education courses; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 256.605), as amended by 2004 PA 70.

(Filed with the Secretary of State on June 15, 2004, at 3:16 p.m.)

Date: June 15, 2004

Time: 1:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 724 (Public Act No. 153), being

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

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

(Filed with the Secretary of State on June 15, 2004, at 3:18 p.m.)

Date: June 15, 2004

Time: 1:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1009 (Public Act No. 154), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

(Filed with the Secretary of State on June 15, 2004, at 3:20 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

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

The motion prevailed.

Senator Sanborn's statement is as follows:

For those of you who may have been in a time warp or deeply involved in the appropriations budget last night, you may not be aware that the Detroit Pistons defeated the Los Angeles Lakers 100-87. I hope that my colleagues would join me in congratulating the world champion Detroit Pistons because they have brought much pride to the state of Michigan.

Messages from the House

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

Senate Bill No. 267

Senate Bill No. 774

The motion prevailed.

Senate Bill No. 626, entitled

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

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 1194, entitled

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

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 Senate agreed to the full title.

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

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

The motion prevailed.

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. 5148

Senate Bill No. 1260

House Bill No. 5225

House Bill No. 4476

The motion prevailed.

The following bill was read a third time:

House Bill No. 5148, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9501 and 9525 (MCL 440.9501 and 440.9525), section 9501 as amended and section 9525 as added by 2000 PA 348.

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. 399

Yeas—36

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

Nays—0

Excused—2

Thomas

Toy

Not Voting—0

In The Chair: President

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

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

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

"An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1260, entitled

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

The 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. 400

Yeas—36

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

Nays—0

Excused—2

Thomas	Toy
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5225, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 5a (MCL 52.205a).

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. 401

Yeas—36

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

Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Van Woerkom

Nays—0

Excused—2

Thomas Toy

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 4476, entitled

A bill to provide respite care information resources; to establish a unified Michigan lifespan respite services resource network to disseminate community lifespan respite services information resources; and to prescribe the powers and duties of certain departments of this state.

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. 402

Yeas—36

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

Nays—0

Excused—2

Thomas Toy

Not Voting—0

In The Chair: President

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

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

Senate Bill No. 1230, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 5 (MCL 338.2205), as amended by 1988 PA 461.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 1222, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending sections 9, 11, and 26 (MCL 338.829, 338.831, and 338.846), as amended by 2002 PA 474.

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 a substitute therefor, the following bill:

Senate Bill No. 1223, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

Substitute (S-1).

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

1. Amend page 4, line 14, by striking out "**90-day**" and inserting "**60-day**".

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.

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

Senate Bill No. 1224, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

Substitute (S-1).

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

1. Amend page 5, line 13, by striking out "**90-day**" and inserting "**60-day**".

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.

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

Senate Bill No. 1208, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," (MCL 288.471 to 288.540) by adding section 33a.

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 a substitute therefor, the following bill:
Senate Bill No. 1209, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 6 and 9i (MCL 290.646 and 290.649i), as amended by 2002 PA 13.

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 a substitute therefor, the following bill:
Senate Bill No. 1211, entitled

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2003 PA 85.

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 a substitute therefor, the following bill:
Senate Bill No. 1214, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending section 4 (MCL 287.334), as amended by 2003 PA 83.

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 a substitute therefor, the following bill:
Senate Bill No. 1215, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13 (MCL 400.713), as amended by 2004 PA 59.

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 a substitute therefor, the following bill:
Senate Bill No. 1216, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 137 (MCL 330.1137), as amended by 1995 PA 290.

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 a substitute therefor, the following bill:
Senate Bill No. 1228, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5 and 9a (MCL 722.115 and 722.119a), section 5 as amended by 1998 PA 519 and section 9a as added by 1980 PA 232.

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 a substitute therefor, the following bill:
Senate Bill No. 1234, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 4a (MCL 408.754a), as amended by 1986 PA 277.

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 a substitute therefor, the following bill:

Senate Bill No. 1231, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 207, 405, 409, and 411 (MCL 339.207, 339.405, 339.409, and 339.411), section 405 as added by 1988 PA 463 and sections 409 and 411 as amended by 2002 PA 611.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

Senator Bishop offered the following resolution:

Senate Resolution No. 271.

A resolution to urge the Department of Environmental Quality to identify all landfills in the state, both existing and closed, and provide this information to the local units of government.

Whereas, The standards used for landfills constitute a critical link in the effort to protect Michigan's waters, land, and overall environment. While our state has made significant strides in this work, especially since the enactment of key solid waste legislation in 1978, there remain notable gaps in the knowledge about landfills that our state and its local units of government have readily available; and

Whereas, Section 11507, Part 115, of the Natural Resources and Environmental Protection Act, 1994 PA 451, being MCL § 324.11507, requires operators of landfills to submit information to the state, county, and local municipalities where landfills are located. The Department of Environmental Quality provides maps and information on landfills throughout the state. However, this information does not provide all relevant information on landfills. The fact that there are many types of landfills, both private and public ownership situations, and various stages for a landfill contributes to an unacceptable gap in information available; and

Whereas, Of particular concern are the landfills closed or abandoned prior to the requirements established in 1978. Old landfills represent a serious threat to public health, especially to water supplies. Creating a comprehensive list of all landfills in the state—both operating and closed—and providing it to all relevant governmental entities would be a major step of progress for our state; now, therefore, be it

Resolved by the Senate, That we urge the Department of Environmental Quality to identify all landfills in the state, both existing and closed, and provide this information to the local units of government; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Barcia and Goschka were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Patterson introduced

Senate Bill No. 1302, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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

Senator Gilbert introduced

Senate Bill No. 1303, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

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

Senator Birkholz introduced

Senate Bill No. 1304, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

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

Senator Bernero introduced

Senate Bill No. 1305, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," (MCL 211.181 to 211.182) by adding section 1a.

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. 5724, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 52a. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5725, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 13 (MCL 207.563).

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

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

House Bill No. 5726, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5 (MCL 211.905), as amended by 2002 PA 244.

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

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

Statements

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

The motion prevailed.

Senator Bishop's statement is as follows:

As you are already aware, we had a reminder already this morning under statements from the Governor. I'm not sure why it was made then. I want to rise for statements today to let you know that last night in the Senate 12th District, in the city of Auburn Hills, there was a momentous occasion where the Detroit Pistons thoroughly defeated their opponents 100-87 in a one-way battle that was just an incredible accomplishment. Our Detroit Pistons are now world champions. I'm very proud to have them in the Senate 12th District.

The Pistons won last night decisively, but they were winning by 28 points in the fourth quarter with four minutes left in the fourth quarter. This was just a great game. If anybody watched it, you could see that the Detroit Pistons are not a one- or two-man star team. They are a team of great, great ballplayers. Every single one of them play with dignity and respect. They are great role models, and we in the state of Michigan are very, very proud of them. It's great for the state.

I want to congratulate Bill Davidson, who is the owner of the team. What a great year he had. He has not only the world champion Pistons, but he also had the world champion Stanley Cup winners—the Tampa Bay Lightning—that he owns. Congratulations to Joe Dumars for the style and class that he has always had for his team that he put together as the president of the Pistons. Congratulations to Tom Wilson, who is the president of The Palace entertainment for his work in putting this team together. Congratulations to Chauncey Billups, who was named the MVP last night. I want to congratulate also the fans of the city of Detroit and the state of Michigan who went out last night and celebrated with, once again, style and grace and dignity and did not get out of hand, like many of our friends in L.A. thought we might do. We know how to celebrate in Michigan. We've had champions before, and we did it right. Congratulations to everybody. I also want to congratulate my colleague from Macomb County who finally has a team that can get past the first round in the playoffs.

Senator Scott's statement is as follows:

I also want to send out my congratulations to the Detroit Pistons. What a fine job when folks work together. They had a team spirit, and it just prevailed all the way. You know, when you're an underdog all the way, and then you come out victorious as they have done. I just want to say congratulations to the president, to the owner, just to everyone who had anything to do with those Pistons. To all the fans, thank you for doing a great job last night in celebration. It was just wonderful. It was one of the best games I've ever attended, I tell you; it was just wonderful. So go, go Pistons!

Now, I believe it is important for my colleagues here in this esteemed chamber to understand that I made a promise right here on the Senate floor a couple of months ago to make a statement each day until meaningful work begins on insurance reform. For about a year now, I have been working to respond to the concerns of my constituents who are sick and tired of skyrocketing costs in insuring their cars and homes. I know that I am not alone, and many of you have heard from your constituents as well on this very serious matter.

I have introduced bills that I believe serve as a good starting point in addressing the issue, and yet, they remain in the Senate Banking and Financial Institutions Committee. Last week's committee hearing with testimony from our state insurance commissioner was certainly most welcomed. I remain cautiously optimistic as discussions continue in addressing our exorbitant insurance premiums. The public hearings next month that OFIS will be holding across the state will also serve as an effective forum for the public to express their views and concerns with this state's insurance system. I am hopeful that Michigan's citizens will take advantage of this opportunity to participate in the process.

I must say that I agree with my colleague who serves as a member of the Senate Banking and Financial Institutions Committee, who, during last week's committee hearing, stated, "I want some relief, and I don't care where it comes from, but we need it now." Let's act to bring relief to all ratepayers in Michigan.

Senator George's statement is as follows:

I rise to note the coming of an important anniversary. Next Monday, June 21st, will be the 150th anniversary of an important event in Michigan and even national affairs. It is the anniversary of the state Liberty Party convention that took place in Kalamazoo in 1854.

This was one of a series of events that took place that year that lead to the formation of a new political party, the anti-slavery Republican Party. You'll recall that in 1854, the federal government had adopted the Kansas-Nebraska Act, which would allow that each state could choose for itself when it became a state whether it would be slave or free. This potentially meant that slavery could move to the North. In Michigan, the anti-slavery activists began to meet around the state in early 1854. They met in Detroit. In February of 1854, the Liberty Party, the anti-slavery party, met in Jackson and introduced its slate of candidates for that fall's elections.

Subsequently, newspapers began editorializing and calling for a merger of anti-slavery forces. Editorials appeared in papers like the *Detroit Tribune* and the *Kalamazoo Telegraph* and even the *New York Daily Tribune* calling for a merger of anti-slavery activists in Michigan. There was a barrier to the merger, which was that the Liberty Party had already selected its candidates for that fall's election. They had already selected their candidates. How could a merger take place when one of the parties had already taken that action? Well, they called for a second convention then; that took place in Kalamazoo June 21, 1854, to consider whether they should withdraw their slate of candidates. Imagine today, after we would have one of our state conventions if we would meet again and withdraw our candidates. That's the step that they had to take for this merger to take place. So they met in Kalamazoo. It was a rainy day. They met in the Kalamazoo County Courthouse, and they approved withdrawing their slate of candidates in order to pave the way for a merger with the other political forces.

Later that day, they met in the home of the president of Kalamazoo College, who was a strong anti-slavery activist. They planned the details for the merger convention that would take place two and a half weeks later in Jackson on July 6th.

So next Monday we have the anniversary of an important event—one of the stepping stones in the formation of a new political party that would bring together anti-slavery forces and that would spread and become a national movement that would have wide-ranging implications for our nation.

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 17, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittee -

Capital Outlay - Thursday, June 17, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, June 17, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, June 17, 2:00 p.m., Room 210, Farnum Building (373-6920)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:12 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 17, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate