

**No. 60**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Wednesday, June 18, 2003.

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—present  
Toy—present  
Van Woerkom—present

Senator Kenneth R. Sikkema of the 28th District offered the following invocation:

Our Lord and our God, we thank You for the beauty of this day. It reminds us of all the blessings You have given to us both in terms of material blessings and the blessings to live in a country that honors freedom, liberty, and justice. Be with us throughout the day; guide our actions. We will make mistakes today, and Lord, indeed forgive us for that. Help us as we do the business of the state of Michigan to look at issues not just from our point of view, but from others' points of view as well.

This and more we ask in Your name. Amen.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:03 a.m.

11:46 a.m.

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

During the recess, Senators Leland, Jelinek, Thomas and Toy entered the Senate Chamber.

### Motions and Communications

The following communications were received and read:

Office of the Auditor General

June 16, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Bridge Programs, Michigan Department of Transportation, June 2003.

June 16, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Bureau of Correctional Industries, Department of Corrections, June 2003.

June 17, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Financial Audit of the State Treasurer's Annual Report, Department of Treasury, October 1, 2001 through September 30, 2002.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communications were referred to the Secretary for record.

The following communication was received and read:

Office of the Senate Majority Leader

June 17, 2003

Pursuant to Joint Rule 3(a), I have made the following conferee appointments to the Conference Committees listed below:

Senate Bill 266: Senator Brown, Senator Stamas and Senator Clarke  
Senate Bill 277: Senator Brown, Senator Stamas and Senator Clarke  
Senate Bill 279: Senator George, Senator McManus and Senator Clarke  
Senate Bill 281: Senator Cropsey, Senator Goschka and Senator Switalski

Senate Bill 283: Senator Hardiman, Senator George and Senator Scott  
Senate Bill 288: Senator Brown, Senator Jelinek and Senator Barcia

Respectfully yours,  
Ken Sikkema  
Senator Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 17:  
**House Bill No. 4818**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 18:  
**House Bill Nos. 4340 4524**

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

**Senate Bill No. 567**  
**Senate Bill No. 570**  
**Senate Bill No. 571**  
**Senate Bill No. 576**  
**Senate Bill No. 572**  
**Senate Bill No. 573**

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

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. 239**  
**Senate Bill No. 395**  
**House Bill No. 4238**  
**Senate Bill No. 236**  
**Senate Bill No. 237**  
**Senate Bill No. 238**  
**Senate Bill No. 425**

The motion prevailed.

**Senate Bill No. 22, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 106a.

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

**Senate Bill No. 270, 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, 2004; 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 for the fiscal year ending September 30, 2003; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to 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, 2004; 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.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 237****Yeas—0****Nays—38**

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

**Excused—0****Not Voting—0**

In The Chair: President

**Senate Bill No. 285, entitled**

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The House of Representatives has substituted (H-1) the bill.  
 The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.  
 Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Hammerstrom moved that the rule be suspended.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The question being on concurring in the substitute made to the bill by the House,  
 The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 238**

**Yeas—0**

**Nays—38**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

**Senate Bill No. 286, entitled**

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has substituted (H-1) the bill.  
 The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.  
 Pending the order that, under rule 3.202, the bill be laid over one day,  
 Senator Hammerstrom moved that the rule be suspended.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The question being on concurring in the substitute made to the bill by the House,  
 The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 239**

**Yeas—0**

**Nays—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

**Excused—0****Not Voting—0**

In The Chair: President

**Senate Bill No. 246, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 11 (MCL 257.11), as amended by 2002 PA 652.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 362, entitled**

A bill to amend 1979 PA 72, entitled “An act to require the governor to report certain tax expenditure items with the annual budget message to the legislature,” by amending the title and sections 1, 2, and 3 (MCL 21.271, 21.272, and 21.273), section 2 as amended by 1996 PA 32 and section 3 as amended by 1983 PA 7.

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

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

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

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

**Senate Bill No. 461, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 807 and 822 (MCL 600.807 and 600.822), section 807 as amended by 2002 PA 715 and section 822 as amended by 2002 PA 92.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 807, 808, 821, and 822 (MCL 600.807, 600.808, 600.821, and 600.822), section 807 as amended by 2002 PA 715 and sections 821 and 822 as amended by 2002 PA 92.

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

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

- Senate Bill No. 464**
- Senate Bill No. 465**
- Senate Bill No. 466**
- Senate Bill No. 467**
- Senate Bill No. 468**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 464, entitled**

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 2 (MCL 254.312).

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. 240**

**Yeas—33**

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

**Nays—5**

Basham	Clark-Coleman	Leland	Scott
Brater			

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 465, 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 11 (MCL 247.661), as amended by 2002 PA 639.

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. 241**

**Yeas—31**

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

**Nays—7**

Basham	Brater	Clark-Coleman	Scott
Bernero	Cherry	Leland	



**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 466, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 163 (MCL 207.1163).

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. 242**

**Yeas—31**

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

**Nays—7**

Basham	Brater	Clark-Coleman	Scott
Bernero	Cherry	Leland	

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 467, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable

solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322).

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. 243**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 468, entitled**

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to

make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 7 (MCL 254.317).

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. 244**

**Yeas—26**

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

**Nays—12**

Basham	Cherry	Emerson	Olshove
Bernero	Clark-Coleman	Jacobs	Scott
Brater	Clarke	Leland	Thomas

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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 with a substitute therefor, the following bill:

**Senate Bill No. 512, entitled**

A bill to amend 1986 PA 255, entitled “Prepaid funeral contract funding act,” by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), section 19 as amended by 2002 PA 325, and by adding sections 12a and 12b.

Substitute (S-1).

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

1. Amend page 26, line 1, by striking out all of section **12a**.
2. Amend page 29, line 26, after “**act.**” by striking out “**Except as otherwise provided in section 12a(3), this**” and inserting “**This**”.

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. 513, entitled**

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), section 19 as amended by 2002 PA 325, and by adding sections 12a and 12b.

Substitute (S-1).

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

1. Amend page 13, following line 9, by inserting:

**"Sec. 16a. A person shall not develop or build a mausoleum or columbarium and engage in preconstruction sales of crypts or niches in a mausoleum or columbarium unless that person does both of the following:**

**(a) Agrees to complete the mausoleum or columbarium within 4 years after the date of the first sale of an entombment or inurnment right in the proposed mausoleum or columbarium or, if construction is not completed within that time and upon the request of the purchaser, agrees to offer to the purchaser a refund of 100% of the purchase price with interest calculated at the rate of 4% per annum.**

**(b) Agrees that if the person for whom the entombment or inurnment right in the proposed mausoleum or columbarium dies before completion of the mausoleum or columbarium, an alternative disposition of the remains shall be provided until completion of the mausoleum or columbarium or until a refund is made of 100% of the purchase price with interest calculated at the rate of 4% per annum."**

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. 539, 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 2000 PA 188.

Substitute (S-1).

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

1. Amend page 3, line 21, after "**of**" by striking out the balance of the line through "**and**" on line 23.

2. Amend page 6, following line 12, by inserting:

"Enacting section 2. This amendatory act takes effect October 1, 2003."

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

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

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

**Senate Bill No. 539**

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

The following bill was read a third time:

**Senate Bill No. 539, 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 2000 PA 188.

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. 245**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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 with a substitute therefor, the following bill:

**Senate Bill No. 399, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

Substitute (S-2).

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

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

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

**Senate Bill No. 399**

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

The following bill was read a third time:

**Senate Bill No. 399, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

The question being on the passage of the bill.

Senator Emerson offered the following amendment:

1. Amend page 3, line 1, by striking out all of subdivision (b) and relettering the remaining subdivision.

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

Senator Schauer requested the yeas and nays.

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

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

**Roll Call No. 246****Yeas—16**

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

**Nays—22**

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

**Excused—0****Not Voting—0**

In The Chair: President

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. 247****Yeas—22**

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

**Nays—16**

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

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

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

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

**Senate Bill No. 370, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

**Senate Bill No. 572, entitled**

A bill to amend 1961 PA 108, entitled "An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," (MCL 388.951 to 388.963) by adding section 9c.

**Senate Bill No. 573, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending section 8 (MCL 141.1058), as amended by 2000 PA 416.

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. 359, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2002 PA 686.

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. 391, entitled**

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending sections 202 and 305 (MCL 451.602 and 451.705), as amended by 2000 PA 494.

Substitute (S-2).

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

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

**Senate Bill No. 431, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3, 37, and 38 (MCL 338.2203, 338.2237, and 338.2238), section 3 as amended by 1993 PA 139, section 37 as amended by 2002 PA 633, and section 38 as amended by 1999 PA 171; and to repeal acts and parts of acts.

Substitute (S-1).

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



The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 510, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3118 and 3119 (MCL 324.3118 and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106.

Substitute (S-3).

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

1. Amend page 12, following line 1, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2003."

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. 537, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58, and by adding section 501b; and to repeal acts and parts of acts.

Substitute (S-4).

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

1. Amend page 2, line 6, after "**except**" by striking out the balance of the subdivision and inserting "**as follows:**

**(i) The fee for the owner of a resident motor vehicle who is 65 years of age or older is \$6.00.**

**(ii) The fee for the owner of a resident motor vehicle who, at the time of purchase, is in possession of a food stamp card and personal identification is \$18.00."**

2. Amend page 4, following line 7, by inserting:

"Enacting section 2. This amendatory act takes effect October 1, 2003."

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. 560, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2505 and 3115 (MCL 324.2505 and 324.3115), section 2505 as added by 1995 PA 60, and by adding sections 3120, 3121, and 3122.

Substitute (S-3).

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. 561, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11525, and 11525a (MCL 324.11507a, 324.11525, and 324.11525a), section 11507a as added by 1996 PA 359, section 11525 as amended by 1996 PA 506, and section 11525a as added by 1996 PA 358.

Substitute (S-3).

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

1. Amend page 14, line 24, after "**landfill**" by striking out "**or a municipal solid waste incinerator**".
2. Amend page 14, line 27, after "**waste**" by inserting "**or municipal solid waste incinerator ash**".
3. Amend page 15, line 1, after "**landfill**" by striking out "**or municipal solid waste incinerator**".
4. Amend page 15, line 2, after "**year.**" by striking out the balance of the line through "**ash.**" on line 4.
5. Amend page 15, line 5, after "**are**" by striking out "**monofills**" and inserting "**captive facilities**".
6. Amend page 15, line 7, after "**a**" by striking out "**monofill**" and inserting "**captive facility**".
7. Amend page 15, line 9, after "**a**" by striking out "**monofill**" and inserting "**captive facility**".
8. Amend page 15, line 11, after "**a**" by striking out "**monofill**" and inserting "**captive facility**".
9. Amend page 15, line 13, after "**a**" by striking out "**monofill**" and inserting "**captive facility**".
10. Amend page 15, line 15, after "**a**" by striking out "**monofill**" and inserting "**captive facility**".
11. Amend page 16, line 4, after "**section,**" by striking out "**monofill**" and inserting "**captive facility**".

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. 567, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.30104, 324.30109, 324.32312, and 324.32513), as amended by 1999 PA 106.

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. 570, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2001 PA 57; and to repeal acts and parts of acts.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 571, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 1984 PA 209; and to repeal acts and parts of acts.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 576, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16317, 20145, 20161, 20920, 20923, 20926, 20929, 20931, 20934, 20950, and 20954 (MCL 333.16315, 333.16317, 333.20145, 333.20161, 333.20920, 333.20923, 333.20926, 333.20929, 333.20931, 333.20934, 333.20950, and 333.20954), section 16315 as amended by 2001 PA 232, section 16317 as added by 1993 PA 80, section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, sections 20920, 20923, 20929, 20934, 20950, and 20954 as amended by 2000 PA 375, and sections 20926 and 20931 as added by 1990 PA 179; and to repeal acts and parts of acts.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 359**

**Senate Bill No. 391**

**Senate Bill No. 431**

**Senate Bill No. 370**

**Senate Bill No. 510**

**Senate Bill No. 537**

**Senate Bill No. 561**

**Senate Bill No. 567**

**Senate Bill No. 570**

**Senate Bill No. 571**

**Senate Bill No. 576**

**Senate Bill No. 572**

**Senate Bill No. 573**  
**Senate Bill No. 560**

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

The following bill was read a third time:

**Senate Bill No. 359, entitled**

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 1101 (MCL 450.5101), as amended by 2002 PA 686.

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. 248**

**Yeas—35**

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

**Nays—3**

Bishop	Kuipers	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 391, entitled**

A bill to amend 1964 PA 265, entitled “Uniform securities act,” by amending sections 202 and 305 (MCL 451.602 and 451.705), as amended by 2000 PA 494.

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. 249**

**Yeas—35**

Allen	Clark-Coleman	Hardiman	Schauer
Barcia	Clarke	Jacobs	Scott
Basham	Cropsey	Jelinek	Sikkema

Bernero	Emerson	Johnson	Stamas
Birkholz	Garcia	Leland	Switalski
Brater	George	McManus	Thomas
Brown	Gilbert	Olshove	Toy
Cassis	Goschka	Patterson	Van Woerkom
Cherry	Hammerstrom	Prusi	

**Nays—3**

Bishop	Kuipers	Sanborn
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**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 431, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3, 37, and 38 (MCL 338.2203, 338.2237, and 338.2238), section 3 as amended by 1993 PA 139, section 37 as amended by 2002 PA 633, and section 38 as amended by 1999 PA 171; 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. 250****Yeas—36**

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

**Nays—2**

Kuipers	Sanborn
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**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 370, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

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. 251**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 510, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3118 and 3119 (MCL 324.3118 and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106.

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. 252**

**Yeas—37**

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

**Nays—1**

Sanborn

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 537, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74117 (MCL 324.74117), as added by 1995 PA 58, and by adding section 501b; 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. 253****Yeas—37**

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

**Nays—1**

Sanborn

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 561, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11525, and 11525a (MCL 324.11507a, 324.11525, and 324.11525a), section 11507a as added by 1996 PA 359, section 11525 as amended by 1996 PA 506, and section 11525a as added by 1996 PA 358.

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. 254**

**Yeas—35**

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

**Nays—3**

Kuipers	Patterson	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 567, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.30104, 324.30109, 324.32312, and 324.32513), as amended by 1999 PA 106.

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. 255**

**Yeas—38**

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

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom  
Hardiman

Olshove  
Patterson  
Prusi

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 570, entitled**

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 1060 (MCL 450.2060), as amended by 2001 PA 57; 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. 256**

**Yeas—35**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—3**

Bishop

Kuipers

Sanborn

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.



The following bill was read a third time:

**Senate Bill No. 571, entitled**

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 1060 (MCL 450.3060), as amended by 1984 PA 209; 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. 257**

**Yeas—35**

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

**Nays—3**

Bishop	Kuipers	Sanborn
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**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 576, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16315, 16317, 20145, 20161, 20920, 20923, 20926, 20929, 20931, 20934, 20950, and 20954 (MCL 333.16315, 333.16317, 333.20145, 333.20161, 333.20920, 333.20923, 333.20926, 333.20929, 333.20931, 333.20934, 333.20950, and 333.20954), section 16315 as amended by 2001 PA 232, section 16317 as added by 1993 PA 80, section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, sections 20920, 20923, 20929, 20934, 20950, and 20954 as amended by 2000 PA 375, and sections 20926 and 20931 as added by 1990 PA 179; 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. 258**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema

Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

**Nays—1**

Sanborn

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 572, entitled**

A bill to amend 1961 PA 108, entitled “An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation,” (MCL 388.951 to 388.963) by adding section 9c.

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. 259****Yeas—38**

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

**Nays—0****Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 573, entitled**

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” by amending section 8 (MCL 141.1058), as amended by 2000 PA 416.

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. 260****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 560, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

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. 261****Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Schauer

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

**Nays—1**

Sanborn

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

**House Bill No. 4340, entitled**

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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

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

**House Bill No. 4524, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 361 (MCL 18.1361).

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. 4818, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5b (MCL 28.425b), as amended by 2002 PA 719.

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

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

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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 with a substitute therefor, the following bill:

**House Bill No. 4391, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (S-1).

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

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

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

**House Bill No. 4391**

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

The following bill was read a third time:

**House Bill No. 4391, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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. 262**

**Yeas—37**

Allen	Clark-Coleman	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	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

**Nays—0**

**Excused—0**

**Not Voting—1**

Emerson

In The Chair: President

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

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

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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 with a substitute therefor, the following bill:

**House Bill No. 4401, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11f, 11g, 18, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 38, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 101, 105, 107, and 147 (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1638, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1705, 388.1707, and 388.1747), section 3 as amended by 2000 PA 297, sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, and 147 as amended by 2002 PA 521, section 8b as added and sections 19, 38, and 105 as amended by 2002 PA 191, section 18 as amended by 1999 PA 119, and section 101 as amended by 2002 PA 476, and by adding sections 20k, 20l, 22d, 22e, 32j, and 98b; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 2, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:  
"TITLE

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."

2. Amend page 14, line 19, after the second "academy" by inserting a comma and "**urban high school academy**,".
3. Amend page 55, line 12, by striking out "**benefit the pupils in the school**," and inserting "**reduce class size**,".
4. Amend page 55, line 16, by striking out "**benefit the pupils in the school**," and inserting "**reduce class size**,".
5. Amend page 56, line 25, after "**than**" by striking out "**\$1,000,000.00**" and inserting "**\$100.00**".
6. Amend page 67, following line 9, by inserting:

"(9) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX medicaid funds is filed against this state during 2001-2002, 2002-2003, or 2003-2004, 50% of the amount allocated in subsection (1) not previously paid out for 2002-2003, **2003-2004**, and each succeeding fiscal year is a work project appropriation and

the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project shall be completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r-6 and 1396r-8 to 1396v."

7. Amend page 74, line 25, after "may" by inserting "be conducted using a".

8. Amend page 75, line 2, after "~~2001-2002.~~" by striking out "A tutorial method, **may be conducted**" and inserting "tutorial method,".

9. Amend page 78, line 3, after "preparation," by striking out the balance of the sentence through "**language,**" on line 4.

10. Amend page 87, following line 10, by inserting:

**"Sec. 34. (1) The early literacy intervention instructional technology fund is created within the state treasury. The state treasurer may receive money or other assets from donations or any other source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department shall expend money from the fund, upon appropriation, only for the purposes of this section.**

**(2) From the general fund appropriations in section 11, there is allocated the sum of \$100.00 for 2003-2004 for deposit into the early literacy intervention instructional technology fund created under subsection (1).**

**(3) The department shall allocate money from the early literacy intervention instructional technology fund for pilot grants to districts for software-based early literacy intervention instructional technology programs. The programs may be operated by the district or by another entity under contract with the district. The grants shall be awarded on a competitive basis to districts to increase the literacy skills and reading abilities of pupils in grades K to 3.**

**(4) The department shall prescribe the form and manner of applications for grants under this section and shall determine the amount of grants under this section."**

11. Amend page 92, line 2, after "~~and~~" by striking out "\$2,767,900.00" and inserting "\$3,067,800.00".

12. Amend page 103, following line 21, by inserting:

**"Sec. 51e. (1) A district may apply to the department for a limited waiver of some or all of the rules regarding the allocation of special education funds and staff time in order to implement prereferral intervention pilot projects targeting pupils in grades K to 3 who are at-risk for academic problems.**

**(2) A waiver granted under this section shall be effective for a duration of 1 to 3 years, as specified in the waiver.**

**(3) To qualify for a waiver under this section, a district shall apply to the department in the form and manner prescribed by the department. In the application, the district shall demonstrate all of the following:**

**(a) That there will be collaboration between general education and special education staff in the implementation and operation of the project.**

**(b) That the project will develop a continuum of literacy interventions aligned to pupil needs in the areas of vocabulary and oral language development, phonemic awareness, phonics and decoding, reading fluency, reading comprehension, or written expression.**

**(c) That the requirements of subsection (4) will be met.**

**(4) Special education funds allocated to a prereferral intervention pilot project under this section shall be used only to supplement and not to supplant existing general education, at-risk, and federal Title I programs.**

**(5) If a district is granted a waiver under this section, all of the following apply:**

**(a) The district may allocate up to 15% of the special education funds it receives under section 51a and up to 15% of its special education staff time at the pilot project site to prereferral activities, including, but not limited to, screening and assessment of pupils who are at-risk for reading problems, instructional interventions with at-risk general education pupils, staff training and professional development in scientifically-based reading interventions, and the purchase of materials required to implement planned interventions.**

**(b) The district shall submit an annual report to the department in the form and manner prescribed by the department. The report shall contain at least all of the following:**

**(i) The selection of valid and reliable assessment tools used to identify pupils who are at-risk for academic problems.**

**(ii) The number of pupils in grades K to 3 identified as being at-risk for academic problems and the number receiving intervention under the program.**

(iii) The specific nature, duration, and intensity of the interventions under the program.

(iv) A data-based analysis of pupil response to interventions under the program, including at least pre- and post-measures of reading achievement.

(v) Data on the number of special education evaluations conducted at pilot project sites of pupils in grades K to 3 suspected of having learning disabilities and the number of those pupils found eligible for special education services as learning disabled, with the specific subcategory of eligibility. This part of the report shall also include referral, evaluation, and eligibility data for the 3-year period immediately preceding the implementation of the pilot project to compare with current-year data.

(c) The district shall not refer pupils in grades K to 3 for special education evaluation for a suspected learning disability unless 1 of the following is met:

(i) The pilot project staff determines that long-term special education support may be indicated because the pupil has had a poor response to intervention by a certified special education teacher and the intervention has been of sufficient intensity and duration to expect improvement.

(ii) The evaluation is requested by the pupil's parent or legal guardian or is otherwise required by law.

(6) In addition to the requirements under subsection (3), to qualify for a waiver under this section, a district shall submit to the department, in the form and manner prescribed by the department, a resolution of the district's board waiving any claim or potential claim it may have due to the operation of this section that relates to the amount of special education funding the district is, or may have been, entitled to receive under this act or any other source of state funding by reason of the application of section 29 of article IX of the state constitution of 1963."

13. Amend page 106, line 8, after "of" by striking out "\$50,000.00" and inserting "\$150,000.00".

14. Amend page 108, line 8, after "and" by striking out "\$200,000.00" and inserting "\$320,000.00".

15. Amend page 108, line 27, after "and" by striking out "\$800,000.00" and inserting "\$1,280,000.00".

16. Amend page 136, line 21, after the second "district" by striking out "shall" and inserting "may".

17. Amend page 150, line 1, after "instruction." by inserting "A district not having at least 75% of the district's membership in attendance on any day of pupil instruction shall receive state aid in that proportion of 1/180 that the actual percent of attendance bears to the specified percentage."

18. Amend page 180, line 10, by striking out "by the department" and inserting "jointly by the legislative members appointed under subdivisions (a) and (b)".

19. Amend page 180, line 12, by striking out "by the department of career development" and inserting "jointly by the legislative members appointed under subdivisions (a) and (b).

(g) The state director of adult education."

20. Amend page 192, following line 18, by inserting:

"Sec. 166a. (1) In order to avoid forfeiture of state aid under subsection (2), the board of a district or intermediate district providing reproductive health or other sex education instruction under section 1169, 1506, or 1507 of the revised school code, ~~being sections 380.1169, 380.1506, and 380.1507 of the Michigan Compiled Laws MCL 380.1169, 380.1506, and 380.1507, or under any other provision of law,~~ shall ensure that all of the following are met:

(a) That the district or intermediate district does not provide any of ~~that the~~ instruction to a pupil who is less than 18 years of age unless the district or intermediate district notifies the pupil's parent or legal guardian in advance of the instruction and the content of the instruction, gives the pupil's parent or legal guardian a prior opportunity to review the materials to be used in the instruction, allows the pupil's parent or legal guardian to observe the instruction, and notifies the pupil's parent or legal guardian in advance of his or her rights to observe the instruction and to have the pupil excused from the instruction.

(b) ~~Upon~~ That, upon the written request of a pupil's parent or legal guardian or of a pupil if the pupil is at least age 18, the pupil shall be excused, without penalty or loss of academic credit, from attending class sessions in which the instruction is provided.

(c) That the sex education instruction includes information clearly informing pupils that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment, and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for at least 25 years.

(2) A district or intermediate district that does not comply with this section shall forfeit 5% of its total state school aid allocation under this act."

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.

During the Committee of the Whole, Senator Emerson entered the Senate Chamber.



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

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

**House Bill No. 4401**

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

The following bill was read a third time:

**House Bill No. 4401, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11f, 11g, 18, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 38, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94a, 98, 99, 101, 104a, 105, 107, 108, and 147 (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1638, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1668, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704a, 388.1705, 388.1707, 388.1708, and 388.1747), section 3 as amended by 2000 PA 297, sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94a, 98, 99, 104a, 107, 108, and 147 as amended by 2002 PA 521, section 8b as added and sections 19, 38, and 105 as amended by 2002 PA 191, section 18 as amended by 1999 PA 119, and section 101 as amended by 2002 PA 476, and by adding sections 20k, 22d, 22e, 22f, 31e, 55a, 93, 98b, 99b, and 107a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

1. Amend page 21, line 21, after "revenues." by inserting "**In addition, from the revenue received for temporary federal fiscal relief, there is appropriated to the general fund the sum of \$98,400,000.00 for the fiscal year ending September 30, 2003, and this amount is transferred and appropriated into the school aid rainy day fund created in section 11a.**" and adjusting enacting section 1 accordingly.

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

Senator Schauer requested the yeas and nays.

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

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

**Roll Call No. 263**

**Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

### Protest

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Switalski to House Bill No. 4401 and moved that the statement made by Senator Sikkema during the discussion of the amendment be printed as his reason for voting “no.”

The motion prevailed.

Senator Sikkema’s statement, in which Senator Cropsey concurred, is as follows:

I rise to oppose this amendment. I just want to make a couple of observations. As the chairman of the subcommittee pointed out, we already have two rainy day funds for K-12 education. The School Aid Fund, in fact, acts as a rainy day fund because in normal years, we carry a balance in that fund. In fact, if you look to the decade of the ’90s, there were a couple of years where the balance in that fund carried over from one year to the next amounted to \$5 million, \$6 million, \$7 million, and even \$8 million. It is only in these lean years that we’re experiencing right now where there isn’t one.

My point is that the School Aid Fund is in essence a rainy day fund. That’s rainy day fund No. 1 which is for K-12 education—totally dedicated to K-12 education. The second rainy day fund we have for K-12 education is called the Budget Stabilization Fund. That also has been used in the past as a rainy day fund for public schools. In fact, we have used it that way in the last couple of years, and it works very well. I would submit that we don’t need a third rainy day fund for K-12 education.

Now let’s just go back to a few weeks ago when there was a shortfall in funding for K-12 education, and there was a proration order issued by the Governor, according to law. The problem was not that we didn’t have a rainy day fund for schools. The problem was we didn’t have any money in the rainy day fund for schools. And the solution is very simple. You put money in the two rainy day funds that we have. Now, if you remember just a few short weeks ago—and that is the May revenue estimating conference—we were faced with that very similar prospect. There was a \$61 million shortfall in the current School Aid Fund which would have triggered another proration order. But this Senate in its wisdom said, “Hey, wait a minute; we are not going to do that. We are going to immediately transfer \$61 million”—essentially borrowing it from next year to shore up K-12 education. So we, in fact, shored up K-12 education without rainy day fund No. 3.

So the problem is not that we don’t have a rainy day fund for K-12 education; we have two of them. The problem is we don’t put money in each one of those, and that’s what we need to do. So I would hope that we would oppose the amendment. If you look over the history of how we have protected K-12 education in these severe economic times, we’ve clearly made that a priority, we’ve met our obligation, and this idea is basically a solution looking for a problem.

Let me just make one final point. There has been a suggestion that if you put money in a rainy day fund, it helps maintain the AAA bond rating the state enjoys, which is very important. It is good for the state expenditures, it is good for school expenditures, and I even think it is good for municipal expenditures. I would submit to you that a multi-purpose rainy day fund, which is what the BSF is, is far more protective of that bond rating than a narrowly construed rainy day fund. From a Wall Street perspective, there can be more than just a school funding emergency or shortfall in the state. The more narrow you define a rainy day fund, I think the more you put in question where you can deal with a lot of different financial problems, rather than just one financial problem.

So there are a lot of reasons why this amendment and this idea really isn’t necessary, and I think in one respect, at least counterproductive. So I would oppose the amendment.

Senator Jelinek offered the following amendment:

1. Amend page 74, line 26, after “a” by inserting “**include, but are not limited to, tutorial services, early childhood programs to serve children age 0 to 5, and reading programs as described in former section 32f as in effect for 2001-2002. A tutorial method may be conducted**”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 264

#### Yeas—38

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

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Garcia offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “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 prescribe penalties; and to repeal acts and parts of acts,” by amending the title and sections 3, 6, 8b, 11, 11f, 11g, 18, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 38, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94a, 98, 99, 101, 104a, 105, 107, 108, 147, and 166a (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1638, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1668, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704a, 388.1705, 388.1707, 388.1708, 388.1747, and 388.1766a), the title as amended by 1997 PA 142, section 3 as amended by 2000 PA 297, sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 68, 74, 81, 94a, 98, 99, 104a, 107, 108, and 147 as amended by 2002 PA 521, section 8b as added and sections 19, 38, and 105 as amended by 2002 PA 191, section 18 as amended by 1999 PA 119, section 101 as amended by 2002 PA 476, and 166a as amended by 1996 PA 300, and by adding sections 20k, 22d, 22e, 22f, 31e, 34, 51e, 55a, 93, 98b, 99b, and 107a; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Sikkema, Jelinek, Switalski and Emerson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema’s statement is as follows:

I rise to oppose this amendment. I just want to make a couple of observations. As the chairman of the subcommittee pointed out, we already have two rainy day funds for K-12 education. The School Aid Fund, in fact, acts as a rainy day fund because in normal years, we carry a balance in that fund. In fact, if you look to the decade of the '90s, there were a couple of years where the balance in that fund carried over from one year to the next amounted to \$5 million, \$6 million, \$7 million and even \$8 million. It is only in these lean years that we’re experiencing right now where there isn’t one.

My point is that the School Aid Fund is in essence a rainy day fund. That’s rainy day fund No. 1 which is for K-12 education—totally dedicated to K-12 education. The second rainy day fund we have for K-12 education is called the Budget Stabilization Fund. That also has been used in the past as a rainy day fund for public schools. In fact, we have used it that way in the last couple of years, and it works very well. I would submit that we don’t need a third rainy day fund for K-12 education.

Now let’s just go back to a few weeks ago when there was a shortfall in funding for K-12 education, and there was a proration order issued by the Governor, according to law. The problem was not that we didn’t have a rainy day fund

for schools. The problem was we didn't have any money in the rainy day fund for schools. And the solution is very simple. You put money in the two rainy day funds that we have. Now, if you remember just a few short weeks ago—and that is the May revenue estimating conference—we were faced with that very similar prospect. There was a \$61 million shortfall in the current School Aid Fund which would have triggered another proration order. But this Senate in its wisdom said, “Hey, wait a minute; we are not going to do that. We are going to immediately transfer \$61 million”—essentially borrowing it from next year to shore up K-12 education. So we, in fact, shored up K-12 education without rainy day fund No. 3.

So the problem is not that we don't have a rainy day fund for K-12 education; we have two of them. The problem is we don't put money in each one of those, and that's what we need to do. So I would hope that we would oppose the amendment. If you look over the history of how we have protected K-12 education in these severe economic times, we've clearly made that a priority, we've met our obligation, and this idea is basically a solution looking for a problem.

Let me just make one final point. There has been a suggestion that if you put money in a rainy day fund, it helps maintain the AAA bond rating the state enjoys, which is very important. It is good for the state expenditures, it is good for school expenditures, and I even think it is good for municipal expenditures. I would submit to you that a multi-purpose rainy day fund, which is what the BSF is, is far more protective of that bond rating than a narrowly construed rainy day fund. From a Wall Street perspective, there can be more than just a school funding emergency or shortfall in the state. The more narrow you define a rainy day fund, I think the more you put in question where you can deal with a lot of different financial problems, rather than just one financial problem.

So there are a lot of reasons why this amendment and this idea really isn't necessary, and I think in one respect, at least counterproductive. So I would oppose the amendment.

Senator Jelinek's statement is as follows:

I would point out that we do have a rainy day fund. It's called the School Aid Fund balance, and as money is available, we have it in the School Aid Fund balance. I don't know that it's necessary to label it rainy day fund. I have heard of the proposal about the school aid rainy day fund, but I haven't seen the mechanism. What are the triggers? Is there a ceiling or a bottom? How can it be used? How can it be taken out when needed?

So I would discourage this amendment. I am not sure that the dollars are meant to or are going to end up in the School Aid Fund. If they do, that's great, but I think they have to be appropriated for that purpose first. So I would discourage this amendment.

Senator Switalski's statement is as follows:

I think K-12 education should be a nonpartisan issue. I also think for the most part we've done that here. I think a lot of the members would agree with what this amendment does. It is really prudent with our money. We've all heard about the \$655 million federal windfall that we are going to get. We know that \$317 million of that will go exclusively for Medicaid. That leaves about \$338 million.

In this budget, we have had to use \$108 million of that because of the consensus revenue conference and another \$61 million because of this year's shortfall in the consensus revenue conference. That still leaves \$167 million. What this amendment does is appropriate \$98.4 million of that and puts it into a rainy day fund for K-12 education. I think that is the prudent thing to do. We may have a shortfall in this upcoming budget year, and we've got a lot of one-time money in this budget already.

I know there is \$300 million just in the refinancing of the school bond loan funds and the revenue sharing account. So I hope members will do what is prudent, and let's set aside some of this money in a savings account to fund K-12 education and avoid a future proration.

Senator Emerson's first statement is as follows:

What we have here is an amendment that fully restores funding for school readiness programs. Those are programs that ensure that poor children are coming to school ready to learn—it's 4- and 5-year-olds—ensuring that they have pre-school programs. It restores 21st century money, which is after-school programs, to ensure kids who do not have full access to mentoring and tutoring programs have access to those programs. And it adds money for adult education. It takes this money from section 20j of the School Aid Fund, and section 20j, for those of you who don't know, is a section of the School Aid Fund that provides money to the wealthiest school districts in the state of Michigan. What we have is a provision that was not there when Proposal A passed. What we said to the wealthiest school districts in this state at the time we passed Proposal A is that they could go out and ask their local voters for increased millages to ensure that they kept their foundation allowance where it was before we passed Proposal A, but it would be above the foundation allowance that was established under Proposal A.

That foundation allowance was originally that \$1,500 amount between \$5,000 and \$6,500. So those school districts that had a foundation allowance above \$6,500 at that time could go out and ask their voters to increase their millage to give them \$8,000, \$9,000, or \$10,000—whatever they were getting before Proposal A passed.

We also passed as part of Proposal A a provision that said you could only raise property taxes in subsequent years equal to inflation or 5 percent, whichever was less. So in the last few years where inflation has been very, very low, we created section 20j to ensure that those school districts that are at the very, very top end of the scale outside of the foundation, the basic foundation grant, those schools would get some additional money from the state to make up for the fact that they could not raise property taxes as much as the foundation allowance increase would have granted them. So we made up for the taxpayers not having to tax themselves but held them harmless for many cuts.

We have heard a lot of discussion this year about fairness and priorities, and as we make budget cuts, we need to figure out what our priorities are and how to make those priorities fit with our whole concept of what is fair. I guess when I look at cutting school readiness programs, which are pre-school programs for poor children; when I look at after-school programs being cut; when I look at adult education being cut, and I see us still providing money to school districts all of whom have fund balances that range up to \$40 million. The one with the largest fund balance is Troy School District to whom we give about \$4.5 million, has a \$40 million fund balance. Others have \$29-\$30 million fund balances. So the question becomes, as we are making cuts here, where should we make cuts in order to be fair to the citizens of the state of Michigan? In my mind, it certainly seems that when we talk about fairness and equity, our intent was never to enrich those school districts from money that could legitimately be used both for the foundation allowance and other categoricals. So I would encourage members to support this amendment.

Senator Emerson's second statement is as follows:

I don't think the promise of Proposal A was ever to hold those at the top forever harmless from any of the effects of the other parts of Proposal A. However, I would like to withdraw this amendment.

Senator Emerson's third statement is as follows:

I am not quit sure I understood some of the Majority Leader's arguments here. First, he argued we don't need a rainy day fund in the School Aid Fund because the School Aid Fund is in itself a rainy day fund. Well, I would ask, why do we need a Budget Stabilization Fund because if you carry out the same logic and say that every year, especially in the '90s, we carried forward a balance in the General Fund?

So the General Fund doesn't need a budget stabilization if you buy that argument. However, we have found in times that if we did not or had not transferred money into the Budget Stabilization Fund, we would have spent it. While you would have argued that those of us on this side of the aisle would have been the ones spending the money, I think we have found over the years we all figure out ways to spend money if it's there and not transferred into a rainy day fund where we impose a little self-discipline on ourselves.

I would argue that it makes sense to have a school rainy day fund because I think after the passage of proposal A, we did change the landscape here in Michigan and the financial landscape because we now are responsible for 90 percent of the funding of schools, and that funding for schools essentially equals the General Fund budget of the state of Michigan. I think there ought to be an additional safeguard and additional self-discipline imposed upon us.

So I would encourage people to vote "yes" on this amendment. If not "yes" on this amendment, I would encourage people to take up Senator Switalski's legislation that would create this fund. I think if you look at this amendment, it does exactly what the Majority Leader said we should be doing. He said we should be putting money aside, and that's the real issue here, not whether we ought to create a separate fund.

Well, I think the separate rainy day fund within the School Aid Fund makes perfect sense, and what this amendment does is actually take \$98 million of the federal money and put it into that rainy day fund. So we are doing in this amendment exactly what he asked us to do. That is, to put money into that fund to ensure that we have money to take care of problems in the future.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn 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 with a substitute therefor, the following bill:

#### **Senate Bill No. 578, entitled**

A bill to establish American heroes week in the state of Michigan.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 252, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112 (MCL 324.3112) and by adding section 3113b.

Substitute (S-7).

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

1. Amend page 2, line 5, after "control" by inserting "**and to supplement the department's data for purposes of water quality monitoring**".

2. Amend page 3, following line 4, by inserting:

**"(2) Until October 1, 2007, an application for a permit under this part authorizing a discharge into surface water, other than a stormwater discharge, shall be accompanied by an application fee as follows:**

**(a) For an EPA major facility permit, \$1,000.00.**

**(b) For an EPA minor facility individual permit, \$500.00.**

**(c) For an EPA minor facility general permit, \$100.00.**

**(d) For a major modification of an existing permit, \$500.00."** and renumbering the remaining subsections.

3. Amend page 4, line 5, after "**facility,**" by striking out "**\$8,775.00**" and inserting "**\$9,822.00**".

4. Amend page 4, line 7, after "**facility,**" by striking out "**\$500.00**" and inserting "**\$559.00**".

5. Amend page 4, line 8, after "**facility,**" by striking out "**\$700.00**" and inserting "**\$838.00**".

6. Amend page 4, line 10, by striking out "**\$1,875.00**" and inserting "**\$2,101.00**".

7. Amend page 4, line 12, by striking out "**\$3,875.00**" and inserting "**\$4,380.00**".

8. Amend page 4, line 16, after "**more,**" by striking out "**\$62,000.00**" and inserting "**\$66,918.00**".

9. Amend page 4, line 18, after "**MGD,**" by striking out "**\$19,075.00**" and inserting "**\$20,596.00**".

10. Amend page 4, line 20, after "**MGD,**" by striking out "**\$12,075.00**" and inserting "**\$13,044.00**".

11. Amend page 4, line 22, after "**MGD,**" by striking out "**\$5,200.00**" and inserting "**\$5,608.00**".

12. Amend page 5, line 1, after "**MGD,**" by striking out "**\$2,875.00**" and inserting "**\$3,114.00**".

13. Amend page 5, line 3, after "**MGD,**" by striking out "**\$1,825.00**" and inserting "**\$1,970.00**".

14. Amend page 5, line 4, after "**facility,**" by striking out "**\$675.00**" and inserting "**\$716.00**".

15. Amend page 5, line 5, after "**facility,**" by striking out "**\$450.00**" and inserting "**\$476.00**".

16. Amend page 5, line 7, by striking out "**\$6,075.00**" and inserting "**\$6,504.00**".

17. Amend page 5, line 9, after "**lagoon,**" by striking out "**\$1,525.00**" and inserting "**\$1,583.00**".

18. Amend page 11, following line 8, by inserting :

"Enacting section 1. This amendatory act takes effect October 1, 2003."

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

By unanimous consent the Senate returned to the order of

### Third Reading of Bills

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

**Senate Bill No. 252**

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

The following bill was read a third time:

**Senate Bill No. 252, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

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. 265

Yeas—34

Allen  
Barcia

Cherry  
Clark-Coleman

Hardiman  
Jacobs

Prusi  
Schauer

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

**Nays—4**

Cropsey	Kuipers	Sanborn	Stamas
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**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Resolutions**

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

**Senate Resolution No. 113**

**Senate Resolution No. 114**

**Senate Resolution No. 115**

**Senate Resolution No. 116**

The resolution consent calendar was adopted.

Senators Bernero, Brater, Patterson and Schauer offered the following resolution:

**Senate Resolution No. 113.**

A resolution honoring A Celebration of Life!

Whereas, It is an honor and a privilege to participate in mid-Michigan's 8th national Cancer Survivors Day event, "A Celebration of Life!" This is a day to celebrate life and to pay tribute to those in the battle against cancer. A Celebration of Life! recognizes the incredible success of mid-Michigan cancer survivors. Together, with the support of family, friends, and caregivers, survival is possible and the future is encouraging; and

Whereas, In January 1999, there were over 8.9 million Americans alive with a history of cancer. Today, the five-year relative survival rate combined for all cancers is 62 percent. Early detection, screening, and evolving technologies will continue to improve this rate. The five-year survival rate for cancers that can be detected by screening is roughly 82 percent. Unquestionably, these statistics demonstrate how cancer can be defeated with early detection; and

Whereas, Mid-Michigan is fortunate to be able to provide excellent medical care and support groups to people fighting cancer. Sparrow Hospital and Sparrow Health System is the regional cancer center that provides the most current and capable innovations of medicine, science, and technology. Performing over 25,000 oncology procedures annually, Sparrow plays a crucial role in cancer survivorship. "Look Good...Feel Better" is an American Cancer Society program designed for women undergoing cancer treatment. Other groups such as The Circle, Us Too!, and WINS Breast Cancer Support Group provide support to men and women battling cancer. The Creative Coping Corner inspires many to express their feelings by creating artwork, sculpture, and poetry. Membership in these groups has provided courage, strength, and inspiration which have proven to be invaluable during these difficult times; and

Whereas, It is an honor to commemorate A Celebration of Life! for spreading awareness of cancer survivorship. This gathering is a time to appreciate shared experiences and to honor life. May the mid-Michigan cancer survivors, their families, friends, and caregivers know of our high regard, admiration, and best wishes for continued success in the future; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor A Celebration of Life! and commend the mid-Michigan cancer survivors for their bravery and success; and be it further

Resolved, That a copy of this resolution be transmitted to Sparrow Health System.

Senators Cherry, Clark-Coleman, George, Goschka, Jacobs, Leland, Switalski and Toy were named co-sponsors of the resolution.

Senator Bernero offered the following resolution:

**Senate Resolution No. 114.**

A resolution honoring the Order Sons of Italy in America (OSIA) Grand Lodge Convention.

Whereas, It is a privilege to acknowledge the Order Sons of Italy in America Grand Lodge Convention, where brother and sister members from all over the great state of Michigan have come together to celebrate the annual meeting and weekend of activities. Established by Vincenzo Sellaro, M.D., in 1905, the Order Sons of Italy in America is the oldest and largest national organization for men and women of Italian heritage in the United States; and

Whereas, Originally created as a mutual aid society for Italian immigrants, OSIA has over 600,000 members today. It is the most influential service and advocacy organization for the approximately 26 million people of Italian decent in the United States. Since its founding, the Order Sons of Italy in America has donated in excess of \$80 million to educational programs, cultural advancement, disaster relief, and medical research. Undoubtedly, OSIA has had a tremendous impact throughout the United States as members have continued to improve the awareness of Italian Americans; and

Whereas, Although the faces today differ from the original Order Sons of Italy in America members, they still work to accomplish a powerful mission. American schools and universities are encouraged to provide students with the opportunity to study Italian language and culture. OSIA preserves Italian American traditions, culture, history, and heritage in a country rich in diversity. The Order Sons of Italy in America also works to encourage closer cultural relations between Italy and the United States; and

Whereas, Michigan is fortunate to have strong Order Sons of Italy in America membership dispersed in eight lodges across the state. They have increased awareness and educated the general public about the successes Italian Americans have had and their important contributions to American history. Indeed, the Michigan State President John Postelli can be proud to lead such a remarkable group. May the Order Sons of Italy in America know of our high esteem and wishes for continued success in the future; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the Grand Lodge Convention of the Order Sons of Italy in America and commend the members for their contributions on behalf of Italian Americans; and be it further

Resolved, That a copy of this resolution be transmitted to the Order Sons of Italy in America as a token of our esteem.

Senators Cherry, Clark-Coleman, Cropsey, George, Goschka, Jacobs, Leland, Schauer, Switalski and Toy were named co-sponsors of the resolution.

Senators Scott, Clarke, Clark-Coleman, Thomas, Leland, Hardiman and Goschka offered the following resolution:

**Senate Resolution No. 115.**

A resolution in support of the Annual Washington Juneteenth National Holiday Observance and National Juneteenth Holiday Campaign.

Whereas, For more than 137 years, Juneteenth National Freedom Day continues to be the most recognized African American holiday observance in the United States—also known as “Emancipation Day,” “Emancipation Celebration,” “Freedom Day,” “Jun-Jun,” “Juneteenth Independence Day,” and “Juneteenth.” Juneteenth National Freedom Day commemorates the survival, due to Godgiven strength and determination, of African Americans who were first brought to this country stacked in the bottom of slave ships in a monthlong journey across the Atlantic Ocean, known as the “Middle Passage”; and

Whereas, Approximately 11.5 million African Americans survived the voyage to the New World. The number who died is likely greater, only to be subjected to whipping, castration, branding, rape, tearing apart of families, and forced to submit to slavery for more than 200 years after arrival in the United States; and

Whereas, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Granger on June 19, 1865, in Galveston, Texas—more than two and one-half years after the signing of the *Emancipation Proclamation* by President Abraham Lincoln. For the first time, in over 130 years of the annual celebration, Juneteenth has finally been officially recognized as Juneteenth Independence Day in America by the President and Congress of the United States; and

Whereas, This reality is particularly underscored by the fact that it was in the first session of the 105th Congress, via the bipartisan cooperation of former Congresswoman Barbara-Rose Collins (D-Michigan), former Senator Carol



Mosely-Braun (D-Illinois), Congressman J.C. Watts (R-Oklahoma), former House Speaker Newt Gingrich (R-Georgia), Senate Majority Leader Trent Lott (R-Mississippi), and Senate Minority Leader Tom Daschle (D-South Dakota), that *Senate Joint Resolution 11* and *House Joint Resolution 56* were successfully shepherded through both houses of Congress, resulting in a successful effort to officially recognize Juneteenth as the Independence Day observance of Americans of African descent in 1997; and

Whereas, Americans of all colors, creeds, cultures, religions, and national origins share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions by which the tenets of freedom are guaranteed and protected. The 19th of June or Juneteenth Independence Day, along with the 4th of July, completes the cycle of freedom for America's Independence Day observances. "Until all are free, none are free" is an often repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

Whereas, The National Juneteenth Observance Foundation is sponsoring the premier celebration, concert, worship services, and campaign to commemorate America's second Independence Day observance, the 19th of June, as one which completes the cycle of America's 18th century independence movement, initiated with the 4th of July 1776, *Declaration of Independence*, and to recognize this country's movement towards a One America, advanced by a sincere dialogue of the realization of what Juneteenth historically means to all Americans, promoting racial healing, restoration, and justice; now, therefore, be it

Resolved by the Senate, That this legislative body hereby supports the National Juneteenth Holiday Campaign and encourages participation of its members, families, and communities in the Annual Washington Juneteenth National Holiday Observance on the National Mall, Lincoln Memorial, and the U.S. Capitol grounds during the week of the 19th of June in Washington, DC; and be it further

Resolved, That a copy of this resolution be transmitted to Reverend Ronald V. Myers, Sr., chairperson of the National Juneteenth Campaign, and Lestine Byars, chairperson of the National Juneteenth Foundation as a reflection of our support.

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

**Senate Resolution No. 116.**

A resolution honoring and thanking John Walker for his dedication and service to the Michigan State Senate as an analyst with the Senate Fiscal Agency.

Whereas, In August 1965, John Walker answered the call of duty and voluntarily became a private in the United States Marine Corps prior to his graduation from high school. Shortly thereafter, he was stationed in Vietnam, where he served as a reconnaissance scout for Battalion Intelligence (S-2); and

Whereas, While serving his country, John Walker was wounded at Khe Sanh, and as a result of his courage, he was awarded the Purple Heart medal for bravery. John also received recognition for his skills as a sharpshooter; and

Whereas, After John's tour of duty in the Republic of Vietnam, he became the Noncommissioned Officer-In-Charge of the Marine Liaison Office at the Great Lakes Naval Hospital in Waukegan, Illinois. On August 1, 1973, John Walker was honorably retired from the Marine Corps as a sergeant E-5; and

Whereas, Following retirement from his successful career with the United States Marine Corps, John Walker began his service to the citizens of the state of Michigan in 1984 with the Department of Mental Health at the Yorkwoods Center Child Psychiatric Hospital, where he worked as a child care worker for nearly ten years; and

Whereas, In March 1984, John Walker became the health care cost analyst for the Senate Fiscal Agency, being one of the first analysts hired with a specialty degree in his field. Along with his duties as an analyst, John also took on the challenge of leading the agency into the computer age, an area in which they became pioneers; and

Whereas, As a result of continuous hard work and dedication, John rose to become the chief analyst of the Human Services Unit, and subsequently, to his position today as chief analyst for the Education and Human Services Units, which encompasses budget areas for the Departments of Corrections, Community Health, Education, K-12 School Aid, and the Family Independence Agency; and

Whereas, While serving the United States of America and the state of Michigan, John Walker earned a Bachelor of Science from Eastern Michigan University with a major in experimental psychology and minors in mathematics and chemistry, and a Master of Public Health from the University of Michigan's School of Public Health, with concentrations in medical care organization and administration; and

Whereas, Along with his many military and professional accomplishments, John Walker has been blessed with his wife Anne; their children, Laura and Peter; and his daughters, Karena and Jennifer; and

Whereas, Although John Walker will be retiring from the Senate Fiscal Agency, he will be returning to service with the United States government, where he will be working to help rebuild the Iraqi health care system; now, therefore, be it

Resolved by the Senate, That we recognize and honor John Walker for his 19 years of service and dedication to the Michigan State Senate and the Senate Fiscal Agency; and be it further

Resolved, That we congratulate John Walker on his retirement and extend our profound gratitude for the invaluable and critical role he has played in helping shape the budgets and the laws of the great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to John Walker as a token of our appreciation.

### **Senate Resolution No. 103.**

A resolution to memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business.

The question being on the adoption of the resolution,

The resolution was adopted.

### **Statements**

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

The motion prevailed.

Senator Brater's statement is as follows:

I wanted to make a few remarks about Senate Bill No. 252 that passed today. I had tried to do this earlier, but the process went along a lot faster than I expected it to. I basically wanted to acknowledge some of my colleagues who had bills in the original package, including the good Senators from the 2nd District, the 19th District, and the 8th District—all worked with me on this package as well as always the good chair of the natural resources committee. The bill that we ended up with is a step in the right direction in achieving water pollution control in Michigan. We worked together, and we made compromises, but the result is a better bill than what came out of committee. In this substitute, we will give some additional money to the department to pursue compliance.

For the first time, permit holders will help pay the costs of the NPDES program. Some concerns still remain about the amount of enforcement that will be possible with this level of funding. However, we will continue to work to improve enforcement efforts and protect water quality in our lakes and streams.

### **Committee Reports**

The Committee on Appropriations reported

#### **Senate Bill No. 567, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.30104, 324.30109, 324.32312, and 324.32513), as amended by 1999 PA 106.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

#### **Senate Bill No. 570, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 1060 (MCL 450.2060), as amended by 2001 PA 57; and to repeal acts and parts of acts.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 571, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 1984 PA 209; and to repeal acts and parts of acts.

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.

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 576, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16315, 16317, 20145, 20161, 20920, 20923, 20926, 20929, 20931, 20934, 20950, and 20954 (MCL 333.16315, 333.16317, 333.20145, 333.20161, 333.20920, 333.20923, 333.20926, 333.20929, 333.20931, 333.20934, 333.20950, and 333.20954), section 16315 as amended by 2001 PA 232, section 16317 as added by 1993 PA 80, section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, sections 20920, 20923, 20929, 20934, 20950, and 20954 as amended by 2000 PA 375, and sections 20926 and 20931 as added by 1990 PA 179; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 572, entitled**

A bill to amend 1961 PA 108, entitled "An act to provide for loans by the state of Michigan to school districts for the payment of principal and interest upon school bonds; to prescribe the terms and conditions of the loans and the conditions upon which levies for bond principal and interest shall be included in computing the amount to be so loaned by the state; to prescribe the powers and duties of the superintendent of public instruction and the state treasurer in relation to such loans; to provide for the repayment of such loans; to provide incentives for repayment of such loans; to provide for other matters in respect to such loans; and to make an appropriation," (MCL 388.951 to 388.963) by adding section 9c.

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**Senate Bill No. 573, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending section 8 (MCL 141.1058), as amended by 2000 PA 416.

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, June 17, 2003, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Cropsey

#### Scheduled Meetings

**Appropriations** - Thursday, June 19, 2:00 p.m. or later immediately following session, and Friday, June 20, 10:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittee -**

**Capital Outlay** - Thursday, June 19, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, June 19, 12:00 noon or later immediately following session, Room 100, Farnum Building (373-2417)

**Commerce and Labor** - Thursday, June 19, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Education** - Thursday, June 19, immediately following session, Room 210, Farnum Building (373-6920)

**Finance** - Thursday, June 19, 8:30 a.m., Room 405, Capitol Building (373-1758)

**Transportation** - Thursday, June 19, 8:30 a.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 2:53 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 19, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate