

No. 51
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, May 28, 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

Pastor Mark Daas of Mars Hill Bible Church of Grandville offered the following invocation:

God, thank You so much for the privilege of government and being able to make these kinds of decisions. We pray for great discernment and determination for these people, God, that you would shine Your face on them and be gracious to them in this time of making great decisions for our state. We pray that in all of this You would be seen and that in all of these decisions Your love would be reflected. So thank You for this day, and we pray again for these people, determination, and discernment, God. We pray this in Your name. Amen.

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

Motions and Communications

The following communications were received:
Office of the Auditor General

May 23, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Office of Services to the Aging, Department of Community Health, May 2003.

May 23, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of Selected Community Colleges' Reporting of Activities Classification Structure Data, May 2003.

May 23, 2003

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit including the Provisions of the Single Audit Act of the Department of Management and Budget, October 1, 2000 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:
Department of State

May 23, 2003

Please find enclosed the certificate of election for Mickey Mortimer, elected at the May 20, 2003 special election to fill the vacancy in the 65th State Representative District.

A copy of the official election results, certified by the Board of State Canvassers on May 23, 2003, is enclosed.
Please do not hesitate to contact this office if you have any questions.

Sincerely,
Christopher M. Thomas
Director of Elections

United States of America
THE STATE OF MICHIGAN
DEPARTMENT OF STATE

I, Terri Lynn Land, Secretary of State and custodian of the Great Seal of the State of Michigan, certify that Mickey Mortimer was elected to fill the vacancy in the 65th State Representative District for a partial term expiring January 1, 2005, as shown by the May 20, 2003 special election returns certified by the Board of State Canvassers on May 23, 2003.

[SEAL]

May 23, 2003
Terri Lynn Land
Secretary of State

SPECIAL ELECTION CERTIFICATION

The Board of State Canvassers of the State of Michigan, having met at the Office of the Secretary of State in Lansing for the purpose of canvassing the votes cast at the special election conducted in the 65th State House District on May 20, 2003,

hereby certifies that this is a true statement of the votes given in the election.

We further determine that Mickey Mortimer was elected to the office of State Representative, District 65, for a term expiring January 1, 2005.

[SEAL]

IN WITNESS WHEREOF, WE HAVE SUBSCRIBED OUR
NAMES IN LANSING, MICHIGAN THIS 23RD DAY
OF MAY, 2003.

Eric J. Pelton, Vice-Chairperson
Doyle O'Conner, Member
Kathy DeGrow, Member

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 27:
House Bill Nos. 4330 4457 4495

Recess

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

11:16 a.m.

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

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

Senator Hammerstrom moved that the rules be suspended and that the following appointments, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

Certificate of Need Commission

Mr. James Maitland, 4303 Maitland Drive, Williamsburg, Michigan 49690, county of Grand Traverse, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Ms. Renee Turner-Bailey, 4534 Strandwyck Road, West Bloomfield, Michigan 48322, county of Oakland, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Mr. Michael Young, 3051 Courtz Isle #6, Flint, Michigan 48532, county of Genesee, for a term of two years.

Mr. Michael Sandler, 4270 Barcroft Way, West Bloomfield, Michigan 48323, county of Oakland, for a term of three years.

Ms. Norma Hagenow, 8103 Hawkcrest Drive, Grand Blanc, Michigan 48439, county of Genesee, for a term of one year.

Mr. Richard Breon, 4177 Thousand Oaks NE, Grand Rapids, Michigan 49525, county of Kent, for a term of one year.

Mr. Peter Ajluni, 1080 Dowling Road, Bloomfield Hills, Michigan 48013, county of Oakland, for a term of two years.

Commissioner, Bureau of State Lottery

Mr. Gary C. Peters, 2645 Bloomfield Crossing, Bloomfield Township, Michigan 48304, county of Oakland, to a term commencing on April 9, 2003 and expiring at the pleasure of the Governor.

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

Messages from the Governor

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

Senate Bill No. 195

The motion prevailed.

Certificate of Need Commission

Mr. James Maitland, 4303 Maitland Drive, Williamsburg, Michigan 49690, county of Grand Traverse, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Ms. Renee Turner-Bailey, 4534 Strandwyck Road, West Bloomfield, Michigan 48322, county of Oakland, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Mr. Michael Young, 3051 Courtz Isle #6, Flint, Michigan 48532, county of Genesee, for a term of two years.
 Mr. Michael Sandler, 4270 Barcroft Way, West Bloomfield, Michigan 48323, county of Oakland, for a term of three years.
 Ms. Norma Hagenow, 8103 Hawkcrest Drive, Grand Blanc, Michigan 48439, county of Genesee, for a term of one year.
 Mr. Richard Breon, 4177 Thousand Oaks NE, Grand Rapids, Michigan 49525, county of Kent, for a term of one year.
 Mr. Peter Ajluni, 1080 Dowling Road, Bloomfield Hills, Michigan 48013, county of Oakland, for a term of two years.
 The question being on advising and consenting to the said appointments to office,

The Senate advised and consented to the said appointments to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 136**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

Commissioner, Bureau of State Lottery

Mr. Gary C. Peters, 2645 Bloomfield Crossing, Bloomfield Township, MI 48304, county of Oakland, to a term commencing on April 9, 2003 and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 137**Yeas—37**

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

Nays—0

Excused—0

Not Voting—1

Johnson

In The Chair: President

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

The motion prevailed.

Senator Jacobs' statement is as follows:

I am proud to stand before you today and announce my support for the appointment of Gary Peters as the Commissioner of the Michigan Bureau of State Lottery. Mr. Peters served with distinction as a member of this chamber, as vice chair of the Committees on Natural Resources and Environmental Affairs, Judiciary, Education, and Finance. Governor Granholm has certainly made an excellent choice in selecting him to again serve the people of Michigan.

Prior to his state work, Mr. Peters was a councilman for the city of Rochester Hills. He also was employed as vice president of Investments at UBS Payne Webber Inc. and assistant vice president of Merrill Lynch in Rochester Hills.

Throughout his career, Mr. Peters has been an honorable and hardworking public servant. In his new position, his financial acumen and passion will serve our state well. I ask that my colleagues join me in supporting Mr. Peters' nomination as the State Lottery Commissioner.

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

The motion prevailed.

House Bill No. 4238, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 622 (MCL 257.622), as amended by 1991 PA 168.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 1, line 3, after "totaling" by striking "\$750.00" and inserting "\$1,000.00".

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Resolution No. 89.

A resolution to memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 71.

A resolution to memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Senate Concurrent Resolution No. 21.

A concurrent resolution to memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

Senate Resolution No. 87.

A resolution to memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 88.

A resolution to memorialize the United States Department of Agriculture to adopt the proposed regulation allowing Michigan to be designated as having split-state status with regard to bovine tuberculosis.

The question being on the adoption of the resolution,

The resolution was adopted.

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress of the United States to include funding for capital costs for the Mackinac Bridge in legislation reauthorizing transportation spending through the Transportation Equity Act.

Whereas, The legislation that provides the formula for the expenditure of federal funds for transportation purposes expires at the end of this fiscal year. This legislation sets priorities for the country. It represents the country's commitment to investments that are of vital importance to virtually all segments of our society; and

Whereas, The Mackinac Bridge is clearly one of the nation's most valuable transportation resources. It is a major component of our infrastructure, with benefits that extend far beyond our state. An engineering marvel spanning one of North America's critically important freshwater transportation routes, the Mackinac Bridge is a treasure not only to the proud people of Michigan, but to the entire country; and

Whereas, The Mackinac Bridge faces several costly projects in the near future. Redecking and repainting will require a financial commitment that will be beyond the level that can be supported by the current financial structure, including the current toll rates. Absorbing these costs may also threaten other components of Michigan's transportation system; and

Whereas, As policymakers identify projects that will be funded through the reauthorization of TEA-21, it is most appropriate that attention be focused on costs facing one of our most important transportation resources—the Mackinac Bridge. This treasure is clearly a worthy investment, one that serves as a vital link and as a symbol of our national strength; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to include funding for capital costs for the Mackinac Bridge in legislation reauthorizing transportation spending through the Transportation Equity Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Olshove, Clarke, Thomas, Cherry, Cropsey and Allen were named co-sponsors of the concurrent resolution.

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 Cherry as Chairperson.

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

Senate Bill No. 238, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).

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

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

Senate Bill No. 509, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 732a.

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

1. Amend page 1, line 6, after "(2)," by striking out "a" and inserting "an additional".
2. Amend page 2, line 3, after "Upon" by striking out "being notified by a court" and inserting "posting of an abstract".
3. Amend page 2, line 21, after "Upon" by striking out "being notified by a court" and inserting "posting of an abstract".
4. Amend page 3, line 4, after "Upon" by striking out "being notified by a court" and inserting "posting of an abstract".

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

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

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 32501, and 32512 (MCL 324.30301, 324.30305, 324.32501, and 324.32512), sections 30301, 32501, and 32512 as added by 1995 PA 59 and section 30305 as amended by 1996 PA 550.

Substitute (S-7).

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. 237, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.

Substitute (S-1).

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

1. Amend page 1, line 5, after "through" by striking out "July 1, 2006" and inserting "December 1, 2006".
2. Amend page 2, line 17, after "By" by striking out "September 30, 2006" and inserting "December 1, 2006".

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. 460, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

Substitute (S-3).

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

1. Amend page 8, line 18, after "preceding" by striking out "or" and inserting "and".
2. Amend page 10, line 19, after "or" by striking out "sale" and inserting "sole".
3. Amend page 11, line 1, by striking out all of subdivision (c) and inserting:

"(c) Except as otherwise provided in subdivision (f), the premium rates charged during a rating period by a small employer carrier other than a nonprofit health care corporation or health maintenance organization for a health benefit plan in a geographic area to small employers or sole proprietors located in that geographic area shall not vary from the index rate for that health benefit plan by more than 40% of the index rate."

4. Amend page 11, line 17, after "subdivision (a)" by striking out the balance of the line through "and" on line 18 and inserting "that does not exceed 15% annually and shall be".

5. Amend page 20, line 23, after “**certification,**” by striking out the balance of the line through “**information,**” on line 24.

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. 234, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 107, 201, 204, 206, 207, 211, 401, 502, 602, 608, 609, 610, 611, 612, 613, and 614 (MCL 550.1107, 550.1201, 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1608, 550.1609, 550.1610, 550.1611, 550.1612, 550.1613, and 550.1614), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 422c, 608a, 608b, 608c, 608d, and 620; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 1, line 1, by striking out all of section 201.
2. Amend page 13, line 19, after “**insurer**” by inserting a comma.
3. Amend page 24, line 2, after “(d)” by striking out “**Except**” and inserting “**For groups of under 100 subscribers and except**”.
4. Amend page 24, line 7, after “**principles**” by inserting “**based on rating factors permitted under this act**”.
5. Amend page 27, line 21, after “perform.” by inserting “**A health care corporation shall not reimburse a health practitioner located out of state at a higher rate for the same health care services than it reimburses an in-state health care provider.**”.

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. 236, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding sections 422a and 422b.

Substitute (S-1).

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

1. Amend page 1, line 1, by striking out all of section 420a.
2. Amend page 1, line 5, by striking out all of section 422a.
3. Amend page 2, line 4, by striking out all of section 422c.

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 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. 234

Senate Bill No. 236

Senate Bill No. 237

Senate Bill No. 238

Senate Bill No. 460

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

The following bill was read a third time:

Senate Bill No. 234, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 107, 201, 204, 206, 207, 211, 401, 502, 602, 608, 609, 610, 611, 612, 613, and 614 (MCL 550.1107, 550.1201, 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1608, 550.1609, 550.1610, 550.1611, 550.1612,

550.1613, and 550.1614), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 422c, 608a, 608b, 608c, 608d, and 620; 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. 138**Yeas—35**

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

Nays—2

George	Jelinek
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Excused—0**Not Voting—1**

Johnson

In The Chair: President

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

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 204, 206, 207, 211, 401, 502, 602, 606, and 609 (MCL 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1606, and 550.1609), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, and 401j; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 236, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding sections 422a and 422b.

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. 139**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—1

George

Excused—0

Not Voting—0

In The Chair: President

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

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 422b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 237, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401i.

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. 140

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. 238, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 501 (MCL 550.1501).

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. 141**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. 460, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

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. 142**Yeas—34**

Allen	Cherry	Jacobs	Schauer
Barcia	Clark-Coleman	Kuipers	Scott
Basham	Clarke	Leland	Sikkema
Bernero	Cropsey	McManus	Stamas

Birkholz	Emerson	Olshove	Switalski
Bishop	Gilbert	Patterson	Thomas
Brater	Goschka	Prusi	Toy
Brown	Hammerstrom	Sanborn	Van Woerkom
Cassis	Hardiman		

Nays—4

Garcia	George	Jelinek	Johnson
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Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senator George, under his constitutional right of protest (Art. 4, Sec. 18), protested against passage of Senate Bill Nos. 234, 236 and 460 and moved that the statement he made during the discussion of Senate bill No. 460 be printed as his reasons for voting “no.”

The motion prevailed.

Senator George’s statement is as follows:

I just wanted to offer an explanation for my “no” vote on this bill and a couple of the preceding bills. I just wanted to step back and give a little overview of the situation and health care as a whole in Michigan, and again, point out that there are many different elements to it. They all interrelate. It’s quite a complex environment. If you made the analogy that it’s like an ocean ecosystem with all different elements and plants and animals, Blue Cross would be the whale in the system. They’re the largest corporation domiciled in Michigan. Really what we’ve done today is find a way to feed the whale while we’ve ignored some of the other elements of the system.

Although I appreciate the hard work that members of the committee have done, and they have taken up a couple of my amendments on these bills, I am going to be voting “no” because I think in total what we’ve done is changed, altered the pact that we’ve had with Blue Cross Blue Shield for the last 23 years. It’s an important pact, whereby they were tax-exempt, but in return, they filled a special mission, a special role for us. We now are changing the rules of that game. I think we’re changing them in a way that is going to hurt commercial insurance companies and HMOs. Ultimately, it will affect the citizens of this state in the way that they receive health care.

We’ve also missed some opportunities I think. We had an opportunity here with looking at Public Act No. 350. We had an opportunity to require that Blue Cross Blue Shield at least bid on a Medicaid HMO contract—something they have chosen not to do. I can only help but wonder where would our Detroit hospitals be today had Blue Cross decided to bid and to participate with our Medicaid population. They had that option and they chose not to, and now we’re left with a fragmented HMO system in that city. Again, we hear from the Detroit hospitals about their reimbursement problems with the HMOs that we have there. How would things have been different had our benevolent and charitable insurer of last resort had chosen to play a role there?

Blue Cross has a bulletin they send out to their members, and a recent issue discusses the help they’re offering for the uninsured. To help with uninsured residents, Blue Cross Blue Shield is now offering a telephone number you can call to get a brochure on where you can find help with getting free services through county health plans or veterans’ benefits. So the way Blue Cross has helped us with dealing with the uninsured is to offer a telephone number—it’s not even a toll-free number—and a brochure that patients can use to find out where they can go elsewhere for their services.

I think we’ve missed an opportunity to refocus their mission on what’s really important. At the same time, we risk, in the bigger picture, affecting the way other carriers and other HMOs operate. Again, that may well have detrimental effects on the number of insured in Michigan or on the premiums that people pay for insurance.

I will be voting “no” on this bill as I did on two others in this package.

Senator Garcia, under his constitutional right of protest (Art. 4, Sec. 18), protested against passage of Senate Bill No. 460.

Senator Garcia's statement is as follows:

I voted "no" on Senate Bill No. 460, even though I voted "yes" for the other bills in this package, because I was not convinced that this was the right method to deal with the issue of health care. While I commend the bill sponsors, Senator Hammerstrom and Senator Patterson, for their work, certainly their intent was very noble, and they had many good things in this bill. I had heard from many of my constituents who said that I should not support this package because it would cause their insurance rates to go up. Because of that, they might not be able to offer health insurance to many of their employees.

We need to do something about this problem of skyrocketing health care costs. Unfortunately, I was not convinced that this particular bill, and the important provisions in it, was the right avenue to go. I will continue to work with the bill sponsors and others to try and form or obtain some kind of solution that I can support. In the meantime, I just wanted to let the body know, and of course, my constituents, why I voted against this bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators McManus, Birkholz, Allen and Jelinek introduced

Senate Bill No. 521, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2151, 2153, and 2154 (MCL 324.2151, 324.2153, and 324.2154), as added by 1995 PA 60; and by adding sections 2151a and 2154a. The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators Stamas, Brater, Bernero, Goschka, Hardiman and Allen introduced

Senate Bill No. 522, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

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

Senators Bernero, Brater, Goschka and Allen introduced

Senate Bill No. 523, entitled

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

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

Senators Birkholz, Bernero, Brater, Garcia, Goschka, Hardiman and Allen introduced

Senate Bill No. 524, entitled

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

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

Senators Garcia, Barcia and Hammerstrom introduced

Senate Bill No. 525, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13501, 13505, 13506, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

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

House Bill No. 4330, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

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 Transportation.

House Bill No. 4457, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676 (MCL 257.676), as amended by 1980 PA 518.

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 Transportation.

House Bill No. 4495, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e.

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 Transportation.

Committee Reports

The Committee on Local, Urban and State Affairs reported

House Bill No. 4300, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 230, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 134 (MCL 125.534).

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

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 379, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as amended by 1984 PA 352 and section 9b as added by 1982 PA 465, and by adding sections 9c, 9d, and 9e.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 380, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding section 5b.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 381, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 382, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 384, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 383, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding section 6b to chapter XIV.

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

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

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 22, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

The Committee on Transportation reported

Senate Bill No. 472, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 18 (MCL 224.18), as amended by 2000 PA 342.

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

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

Judson S. Gilbert II

Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Leland and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 27, 2003, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Government Operations reported the following nominations to office:

Certificate of Need Commission

Mr. James Maitland, 4303 Maitland Drive, Williamsburg, Michigan 49690, county of Grand Traverse, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Ms. Renee Turner-Bailey, 4534 Strandwyck Road, West Bloomfield, Michigan 48322, county of Oakland, for a term commencing on March 28, 2003 and expiring on March 28, 2006.

Mr. Michael Young, 3051 Courtz Isle #6, Flint, Michigan 48532, county of Genesee, for a term of two years.

Mr. Michael Sandler, 4270 Barcroft Way, West Bloomfield, Michigan 48323, county of Oakland, for a term of three years.

Ms. Norma Hagenow, 8103 Hawkcrest Drive, Grand Blanc, Michigan 48439, county of Genesee, for a term of one year.

Mr. Richard Breon, 4177 Thousand Oaks NE, Grand Rapids, Michigan 49525, county of Kent, for a term of one year.

Mr. Peter Ajluni, 1080 Dowling Road, Bloomfield Hills, Michigan 48013, county of Oakland, for a term of two years.

With the recommendation that the Senate advise and consent to the said nominations.

Kenneth R. Sikkema

Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Cassis, Emerson and Jacobs

Nays: None

The nominations were placed on the order of Messages from the Governor.

The Committee on Government Operations reported the following nomination to office:

Commissioner, Bureau of State Lottery

Mr. Gary C. Peters, 2645 Bloomfield Crossing, Bloomfield Township, Michigan 48304, county of Oakland, for a term commencing on April 9, 2003 and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said nomination.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Cassis, Emerson, Jacobs and Thomas

Nays: None

The nomination was placed on the order of Messages from the Governor.

The Committee on Government Operations reported

House Bill No. 4511, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 45 and 45a (MCL 24.245 and 24.245a), section 45 as amended and section 45a as added by 1999 PA 262.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 9, following line 26, by inserting:

"(9) As used in this section, "session day" means each day in which a quorum of both the house of representatives and the senate, following a call to order, officially convenes in Lansing to conduct legislative business."

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

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Cassis and Thomas

Nays: Senators Emerson and Jacobs

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, May 27, 2003, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submitted the following:

Meeting held on Wednesday, May 21, 2003, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Stamas and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, May 21, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, May 21, 2003, at 3:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Wednesday, May 21, 2003, at 3:10 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C) and Goschka

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

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

Joint public hearing held on Wednesday, May 21, 2003, at 6:30 p.m., Oakland University, 242 Elliot Hall Auditorium, Business Information Technical Building, Rochester

Present: Senators Birkholz (C) and Van Woerkom

Excused: Senators Patterson, Brater and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, May 22, 2003, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, May 22, 2003, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, May 29, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture - Thursday, May 29, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Community Colleges - Wednesday, June 4, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Environmental Quality Department - Wednesday, June 4, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Friday, May 30, 10:00 a.m., Alma College, Tyler-Van Dusen Student Center, Jones Auditorium, 614 West Superior Street, Alma; and Wednesday, June 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Judiciary and Corrections - Tuesday, June 3, 3:00 p.m., Room 210, Farnum Building (373-3760)

K-12, School Aid, Education - Thursdays, May 29 and June 5, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Natural Resources Department - Tuesday, June 3, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, May 29, 12:00 noon, Room 100, Farnum Building (373-2417)

Business Competitiveness Joint Select Committee (SCR 3) - Monday, June 9, 10:30 a.m., City Council Chambers, 147 Wabash, Milan (373-7670)

Local, Urban and State Affairs - Thursday, May 29, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 2:09 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 29, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

