

No. 63
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, June 22, 2004.

10:00 a.m.

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

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

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

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

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

Reverend Allen Sprunger of Saginaw Valley Church of the Nazarene of Saginaw offered the following invocation:

Almighty and eternal God, we come to You asking for Your blessing. We confess that we are not worthy, nor have we earned the right to ask for Your blessings. But because of Your grace and mercy, You have given us a land to live in that is far and above what we deserve.

Father, sometimes it seems as though we have deviated from the principles of our Founding Fathers, but my prayer is that we would return to those principles. It has been established, and rightly so, that the motto of our country is "In God We Trust," and in reverence, our Pledge of Allegiance acknowledges that our nation is one "under God." May we never lose our sense of awe and wonder over the privilege of living in this religiously free country.

We pray for all of our leaders. We pray for peace in this war-torn world, where it is torn so much by war. So many of our men and women in the military are sacrificing so much. Grant to them safety, comfort for their families, and bring swift justice to those who are evil.

Father, we pray that You would guide and bless these Senators in this room who have been elected to guide us and to govern our great state. Give them wisdom. Grant to them an exceptional quantity of inspiration and vision. May they not be swayed by those who have evil intent. May they not be concerned about being politically correct, but always stand for what is right.

And lastly, Lord, we ask that You allow us all to come together as a nation, to stand tall and united, so that we might help each other in our hour of need. And not only do we ask You to bless America, but may we be a blessing to all who look to us for leadership.

In our Lord's name we pray. Amen.

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

Recess

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

10:07 a.m.

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

During the recess, Senators Brown, Stamas, Kuipers, Van Woerkom, Bishop, Jelinek, Cassis, Birkholz, Allen, Cropsey, Garcia and George entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senator Schauer moved that Senator Leland be excused from today's session.
The motion prevailed.

The following communication was received:
Michigan Department of State

Administrative Rules Notice of Filing

June 7, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:30 a.m. this date,

administrative rule (04-06-01) for the Department of Community Health, Director's Office, entitled "*Dentistry General Rules*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

June 18, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Tax Compliance Bureau, Department of Treasury.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 17:
House Bill Nos. 4868 4869 5035 5529 5842 5846 5979

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 18, for her approval the following bills:

Enrolled Senate Bill No. 625 at 3:45 p.m.
Enrolled Senate Bill No. 626 at 3:47 p.m.
Enrolled Senate Bill No. 627 at 3:49 p.m.
Enrolled Senate Bill No. 628 at 3:51 p.m.
Enrolled Senate Bill No. 661 at 3:53 p.m.
Enrolled Senate Bill No. 1194 at 3:55 p.m.

The Secretary announced that the following official bills were printed on Thursday, June 17, and are available at the legislative Web site:

Senate Bill Nos. 1302 1303 1304 1305
House Bill Nos. 6021 6022 6023 6024 6025 6026

The Secretary announced that the following official bills were printed on Friday, June 18, and are available at the legislative Web site:

Senate Bill Nos. 1298 1299 1300 1301 1306 1307 1308 1309
House Bill Nos. 6027 6028 6029 6030

Senators Hardiman and Sikkema entered the Senate Chamber.

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466

Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
The motion prevailed.

The following message from the Governor was received and read:

June 21, 2004

Pursuant to Section 7 of the Farm Produce Insurance Act, 2003 PA 198, MCL 285.317, please be advised of the following appointments to office:

Farm Produce Insurance Authority Board of Directors

Mr. Carl J. Bednarski of 2740 West Elmwood Road, Caro, Michigan 48723, county of Tuscola, appointed to represent producers from the largest Michigan organization, representing general farm interests in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2005.

Ms. Carmen L. Cousino of 8032 Crabb Road, Temperance, Michigan 48182, county of Monroe, appointed to represent producers from the largest Michigan organization, representing general farm interests in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2007.

Mr. Derek P. LeCronier of 5805 Flajole Road, Freeland, Michigan 48623, county of Bay, appointed to represent producers from the largest Michigan organization, representing general farm interests in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2006.

Mr. Lyle H. LeCronier of 5855 Flajole Road, Freeland, Michigan 48623, county of Bay, appointed to represent the largest Michigan organization, exclusively representing the interests of soybean producers in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2007.

Mr. Mark K. Stoeckle of 5776 Schweigler Road, Cass City, Michigan 48726, county of Tuscola, appointed to represent the largest Michigan organization, representing the interests of agricultural lenders in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2007.

Mr. William L. Uphaus of 14324 Pleasant Lake Road, Manchester, Michigan 48158, county of Washtenaw, appointed to represent the largest Michigan organization, exclusively representing the interests of corn producers in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2007.

Mr. Gene R. Van Driessche of 1312 South Scheurman Road, Bay City, Michigan 48708, county of Bay, appointed to represent the largest Michigan organization, exclusively representing dry bean producers in Michigan, for a term commencing June 21, 2004 and expiring June 20, 2007.

Mr. Arthur A. Loeffler of 878 Zehnder Drive, Frankenmuth, Michigan 48734, county of Saginaw, appointed to represent the largest Michigan organization, representing the interests of licensees in Michigan as a nonvoting member, for a term commencing June 21, 2004 and expiring June 20, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 267
Senate Bill No. 1135
Senate Bill No. 1240
The motion prevailed.

Senate Bill No. 988, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 805a, 806b, and 810 (MCL 339.805a, 339.806b, and 339.810), sections 805a and 810 as amended and section 806b as added by 1995 PA 217, and by adding section 806e.

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 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 805a, 806, 806b, and 810 (MCL 339.805a, 339.806, 339.806b, and 339.810), sections 805a, 806, and 810 as amended and section 806b as added by 1995 PA 217, and by adding section 806e.

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

Senate Bill No. 1191, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 49 (MCL 338.2249), as amended by 2003 PA 87.

The 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.

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

Senate Bill No. 774

The motion prevailed.

Third Reading of Bills

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

House Bill No. 5632

The motion prevailed.

The following bill was announced:

House Bill No. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

(This bill was read a third time on June 17, substitutes defeated and consideration postponed. See Senate Journal No. 62, p. 1156.)

The question being on the passage of the bill,

Senator George offered the following substitute:

Substitute (S-11).

The question being on the adoption of the substitute,

Senator Schauer requested the yeas and nays.

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

Senator Switalski offered the following amendments to the substitute:

1. Amend page 2, line 5, after "**through**" by striking out "**September 30**" and inserting "**July 1**".

2. Amend page 10, line 8, after "**(a)**" by striking out the balance of the line.

3. Amend page 10, line 16, after "**1,**" by striking out "**2004**" and inserting "**2005**".

4. Amend page 10, line 18, by striking out all of subparagraphs *(i)* and *(ii)*.

The question being on the adoption of the amendments,

Senator Sikkema requested the yeas and nays.

Recess

Senator Sikkema moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:41 a.m.

11:13 a.m.

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

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 George 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. 1279, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437. The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 5094, entitled

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

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. 1241, entitled

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

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. 1171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8901 and 8904 (MCL 324.8901 and 324.8904), section 8904 as amended by 1998 PA 15.

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. 1278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; 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. 1280, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

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. 1281, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74124.

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:
House Bill No. 4062, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799a (MCL 333.21799a).

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

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5632, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

(This bill was announced earlier today, substitute and amendments offered and yeas and nays requested. See p.1175.)

The question being on the request for the yeas and nays on the amendments,

Senator Sikkema withdrew the request.

Senator Switalski withdrew the amendments.

Senator Switalski offered the following amendments to the substitute:

1. Amend page 2, line 5, after "**through**" by striking out "**September**" and inserting "**June**".
2. Amend page 10, line 8, after "**30,**" by striking out "**2004**" and inserting "**2005**".
3. Amend page 10, line 12, after "**1,**" by striking out "**2004**" and inserting "**2005**".
4. Amend page 10, line 16, after "**1,**" by striking out "**2004**" and inserting "**2005**".
5. Amend page 10, line 17, after "**credited**" by striking out the balance of the subdivision and inserting "**to the general fund of this state.**".
6. Amend page 10, line 23, after "**30,**" by striking out "**2004**" and inserting "**2005**".
7. Amend page 10, line 27, after "**1,**" by striking out "**2004**" and inserting "**2005**".
8. Amend page 11, line 4, after "**1,**" by striking out "**2004**" and inserting "**2005**".

The amendments to the substitute were adopted.

The question being on the adoption of the substitute, as amended,

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

Roll Call No. 421

Yeas—22

Barcia
 Basham

Clarke
 Cropsey

Jacobs
 Kuipers

Scott
 Sikkema

Bernero
Brater
Cherry
Clark-Coleman

Emerson
George
Hammerstrom
Hardiman

Olshove
Prusi
Schauer

Switalski
Thomas
Van Woerkom

Nays—13

Allen
Birkholz
Bishop
Brown

Cassis
Garcia
Gilbert

Goschka
Jelinek
McManus

Patterson
Sanborn
Stamas

Excused—3

Johnson

Leland

Toy

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. 422**Yeas—20**

Basham
Bernero
Brater
Cherry
Clark-Coleman

Clarke
Emerson
George
Hammerstrom
Hardiman

Jacobs
Kuipers
Olshove
Prusi
Schauer

Scott
Sikkema
Switalski
Thomas
Van Woerkom

Nays—15

Allen
Barcia
Birkholz
Bishop

Brown
Cassis
Cropsey
Garcia

Gilbert
Goschka
Jelinek
McManus

Patterson
Sanborn
Stamas

Excused—3

Johnson

Leland

Toy

Not Voting—0

In The Chair: President

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the administration, collection, and disposition of the tax; to levy an assessment; to provide for the administration, collection, defense, and disposition of the assessment; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

Protest

Senator Garcia, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5632 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Garcia’s statement is as follows:

I understand a compromise has been reached. I preferred the original substitute, even though I intend to vote “no” on this bill because I still think it’s the wrong thing to do to tax the lower end of the economic stratum to help us solve our budget problems. While I understand that they contribute a great deal to our health care costs, we should not balance the budget on the backs of the poor and the elderly, like the Governor said back in December of last year.

My concern about this substitute is the fact that it takes out the life sciences provision, which I think would have been an investment in the future. I know there was a previous speaker who mentioned the fact that the life sciences is more money for certain districts. The truth is it’s an investment in the future. It’s an investment in areas like Ann Arbor and Detroit. I just came from Wayne State University where they have a life sciences program there that will help keep young people here in Michigan.

Twenty years ago, the goal of the strategic fund was to diversify Michigan’s economy. Twenty years later, we haven’t achieved that. We have to think of the future, and I think that is what the original substitute did. I’m disappointed that it doesn’t include it in there, and I’m very disappointed that we are going to raise taxes at least on this group of people. But, again, to the point of life sciences, I hope that in the future the Legislature can set aside some money for a very important investment in our future.

Senator Sikkema asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema’s first statement is as follows:

I rise to support this substitute. I, along with the sponsor, see this as a fair compromise. In fact, I see that as more than a fair compromise proposal on the cigarette tax. The history of the cigarette tax in Michigan, if you look at the increase in 1994 and then again in the year 2002, would suggest that because it is not the easiest vote to cast for a lot of members that it’s important to find some middle ground and some bipartisan compromise.

As the sponsor mentioned, one of the, I think, key features of this compromise is that in the current budget there is a \$116 million shortfall in Medicaid, and this proposal begins the 75-cent cigarette tax on July 1 and dedicates all of the proceeds in the current year to the Medicaid Benefits Trust Fund. And that’s about \$97 million with the previous changes we’ve already identified—we, being House, Senate, and Department of Management and Budget—for the current year would close the gap, in fact, eliminate the gap in Medicaid for the current year. So 100 percent of the current year proceeds would go to the Medicaid Benefits Trust Fund.

Starting October 1, and in all succeeding years, 75 percent would be dedicated to the Medicaid Benefits Trust Fund. So, as I suggested, more than meeting the Governor, in this case, more than half way, who seeks to dedicate 100 percent to Medicaid. And the reason its not 100 percent is there are other needs in Michigan. There are actually other needs in the General Fund that reflect other people’s priorities.

But I do think that the Life Sciences Corridor is a key economic development tool for Michigan. When this was initiated a few short years ago, we had dedicated \$50 million to this corridor, and we really led the nation. Other states very, very quickly caught on to what Michigan was attempting to do by trading a central point in the country for life

sciences research and product development, and lots of other states caught on and began their own initiatives. While the other states are doing that, because of budget problems, we whittle down our \$50 million initiative to what today is \$15 million. And so this dedication of a small piece of the cigarette tax to the Life Sciences Corridor for the long-term health benefits of that research and the long-term economic development benefits to Michigan across the state, I think, are very important.

Now let me mention something else that is related to our discussions about the cigarette tax, and that is the jobs action plan the Legislature has been working on. We proposed last October and this January an 18-point jobs action plan initiative. I would like to have all 18 of those signed into law. I would like to approach this budget discussion and the cigarette tax by saying, "It's got to be 100 percent of what Ken Sikkema and the Republicans want. It has to be, I just, for what ever reason, can't recede from all 18 of them being signed into law." I can't take that position. It's not fair. It's not reasonable. It doesn't reflect the fact that a Republican Legislature and a Democratic Governor have to compromise. And so we have six of the 18 job action plan initiatives that have been signed into law. Of the 12 remaining, after meeting with the State Treasurer twice, personally myself, over the last two weeks, let's whittle those 12 down to five. Let's focus on the five that we can find some reasonable common ground on, and we get those signed into law before we break for the summer. Now, like I said, I prefer having all 18. I prefer having the remaining 12 that haven't been signed, but I don't think that is a reasonable position given the differences of opinion, and we are making headway on the five.

I would suggest that that approach is going to have to be the same approach on a tough vote like the cigarette tax. I think it's more than fair to say that 100 percent of the current year proceeds go into the Medicaid Benefits Trust Fund. So there doesn't have to be a shortfall there, and starting next year, 75 percent will go into the Medicaid Benefits Trust Fund. It's more than a fair proposal. I urge your support for it because I think it is the right thing to do, and it reflects a compromise position from the votes of last week.

Senator Sikkema's second statement is as follows:

I rise to support the Switalski amendment. I hadn't thought of doing it that way, but I think that is an excellent proposal, and I think it potentially breaks the logjam that we've had for several weeks here in the Senate. So I would urge the members to adopt the Switalski amendment. Get it on the, I guess, this is on the George substitute; adopt the Switalski amendment. As I understand it, it puts 100 percent of the cigarette tax money for the current year, and I'm going to ask the Senator to shake his head either vertically or horizontally—100 percent of the money for the current year for the Medicaid Benefits Trust Fund; 100 percent of the money for 2004-05 fiscal year for Medicaid, and then in subsequent years or one year, I assume it's subsequent years, it's 75 percent into the Medicaid Benefits Trust Fund and 25 percent in the General Fund. I guess the question I have is, as I read the amendment, when you go to the 75-25, is that just one year, or is it all subsequent years? I'm guessing.

But irrespective, I think it breaks the logjam. It allows us to pass this bill today and meet our commitment to the people of Michigan.

Senator Sikkema's third statement is as follows:

I'm perfectly willing to give the sponsor of the amendment time to read his amendment. I support it though. I think it's a good idea. I think that it advances the issues and discussions in front of us. It breaks the logjam. It allows the Senate to move this very important bill, which is part not only of the next year's budget, but of the current budget. So I would hope the members would adopt the amendment, and I would ask for the "yeas" and "nays" on the amendment.

Senator Sikkema's fourth statement is as follows:

Just very briefly, I rise to support the Switalski amendment.

Senator Sikkema's fifth statement is as follows:

I rise to support this bill. You know, I think one approach would be to focus on what it doesn't do. I'm kind of a half-glass-full kind of person, and I like to focus on what it does do. It allows us to help balance the current year budget, particularly in this case the \$116 million shortfall in Medicaid because it dedicates all of the current year revenue from the cigarette tax increase to Medicaid. I think it also reflects the fact that there are competing needs in the budget, and it's certainly education or environmental protection. I happen to believe that we ought to be looking at the issue of changing the economic structure of Michigan, at least from a state standpoint so that Michigan becomes a growth economy, attractive to new business growth and job growth. I mentioned earlier that the talks with the administration with the jobs action plan are going very well. I'm confident before we break for the summer when we complete this budget, we will be able to enact five more of the job action plan that I think is so critical for the future of this state.

I agree with the people who have earlier today discussed the importance of the Life Sciences Corridor for Michigan's future, from a health care standpoint and an economic growth standpoint. My thinking on that, frankly, has changed over 12 months. I was always a supporter of the Life Sciences Corridor, but the importance of it to me was brought

home last October in our revenue estimating conference when we learned that almost a quarter of the jobs lost in America in the two years previous were lost in Michigan. The economy has changed in a fundamental way that some of the old-style manufacturing jobs are never coming back, and we've got to position Michigan for growth in the research-oriented and health care-oriented sectors of the economy. That's what the Life Sciences Corridor will do, and I'm committed to that. I'm confident at the end of the day, as we talk about the budget with the administration and our colleagues in the House, we will be able to see some investment, increased investment in our Life Sciences Corridor.

And along with our job action plan that we can get enacted and signed, we can go home and say to the people of Michigan, "We not only balanced the budget in a very tough year to do it, but we have also made some investment in Michigan's future."

I hope you will support this bill. It's a reasonable, fair compromise to help continue solving this short-term budget problem at the same time we do long-term economic investment.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

The President pro tempore, Senator Birkholz, assumed the Chair.

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

Senate Resolution No. 273

The resolution consent calendar was adopted.

Senator Bishop offered the following resolution:

Senate Resolution No. 273.

A resolution honoring and congratulating the Detroit Pistons, winner of the 2004 National Basketball Association championship.

Whereas, It is with great appreciation for the enthusiasm, teamwork, and dedication that their outstanding season has signified that we congratulate the 2003-04 Detroit Pistons basketball team. We are proud to salute Bill Davidson, Tom Wilson, Joe Dumars, Larry Brown, and all of the assistant coaches, trainers, players, and personnel involved with the team's remarkable success throughout the 2003-04 season. It is most appropriate, therefore, to extend the highest praise and sincerest congratulations to the entire Detroit Pistons organization upon the occasion of their winning the National Basketball Association championship title; and

Whereas, The Detroit Pistons' playoff march to the title started at The Palace of Auburn Hills on April 18, 2004, with a 108-82 victory over the Milwaukee Bucks. In the second round of the playoffs, the Pistons faced the reigning Eastern Conference champions, the New Jersey Nets. Battling through a series of grueling and physically demanding games, the Detroit Pistons emerged victorious with a decisive game 7 win. In returning to the Eastern Conference finals, the Detroit Pistons faced a familiar foe in the Indiana Pacers. Through dominating and smothering defense, the Detroit Pistons dispatched the Indiana Pacers in six games. Upon reaching their first Finals in 14 years, the Detroit Pistons were deemed underdogs against the heavily-favored Los Angeles Lakers. On June 15, 2004, through a balance of individual talent and team discipline and with a 100-87 triumph, the Detroit Pistons captured their third national championship; and

Whereas, This monumental occasion is made even more memorable by the many historic achievements the team has added to the record books. The first home team to win the middle three games in the Finals' 2-3-2 home-and-home format, the Pistons are also the first Eastern Conference team to claim the championship title since 1998. Moreover, Larry Brown now carries the distinction of becoming the first coach to win both National Basketball Association and National Collegiate Athletic Association championships. Making the victory even sweeter, this is the first championship that the Detroit Pistons have won on their home court, after winning in 1989 in Los Angeles and in 1990 in Portland; and

Whereas, Bill Davidson created the organization, Tom Wilson ran the organization, Joe Dumars built the team, Larry Brown coached the team, and the Detroit Pistons players returned the Larry O'Brien trophy to Detroit. In front of a raucous and unrelenting sellout crowd at The Palace of Auburn Hills, the Detroit Pistons, by completing the biggest

upset in Finals' history, unfailingly demonstrated the true essence of teamwork and the highest standard of sportsmanship. A true testimony to team pride, the fan frenzy resonating throughout The Palace of Auburn Hills is evidence that these exemplary players are a source of great pride to the community which they represent. Indeed, not only community, but state pride has been bolstered by the successes of the Detroit Pistons; now, therefore, be it

Resolved by the Senate, That we hereby commend and congratulate the Detroit Pistons upon claiming the National Basketball Association championship title. With the collective skill, work ethic, and attitude that made this achievement possible, these gifted athletes and the entire Detroit Pistons organization are most deserving of our admiration and appreciation for their talent and commitment. May each of the members of this successful team know of our highest regard for the discipline and endurance they have demonstrated through the spirit of competition and realize much sustained success in all of their future endeavors.

Senators Allen, Birkholz, Cassis, Clark-Coleman, Cropsey, Garcia, Goschka, Hardiman, Jacobs, Kuipers, McManus, Olshove, Prusi, Schauer, Scott, Stamas, Switalski, Thomas and Van Woerkom were named co-sponsors of the resolution.

Senator Jacobs offered the following resolution:

Senate Resolution No. 274.

A resolution urging the President of the United States to encourage expansion of stem cell research in the United States.

Whereas, Current national policy under the August 2001 executive order has impeded stem cell research in the United States. At the present time, only 19 stem cell lines are available to federally-funded researchers; and

Whereas, President Ronald Reagan's ten-year battle with Alzheimer's has brought to light the suffering of people with degenerative disease and the devastation their families endure without the hope of treatment; and

Whereas, Every day someone is diagnosed with a disease that has no cure. An estimated 128 million Americans suffer from the crippling economic and psychological burden of chronic, degenerative, and acute diseases, including diabetes, Parkinson's disease, cancer, and Alzheimer's disease; and

Whereas, The costs of treatment and lost productivity of chronic, degenerative, and acute diseases in the United States constitute hundreds of billions of dollars every year. Estimates of the economic costs of these diseases do not account for the extreme human loss and suffering associated with these conditions; and

Whereas, Stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and a critical means to explore fundamental questions of biology and lead to unprecedented treatments and potential cures; and

Whereas, The United States has historically been a haven for open scientific inquiry and technological innovation, and this environment, coupled with the commitment of public and private resources, has made the United States the pre-eminent world leader in biomedicine and biotechnology; and

Whereas, Scientific inquiry and publicly-funded research is essential to realizing the promise of stem cell research and to maintaining the United States' worldwide leadership in biomedicine and biotechnology. Publicly-funded stem cell research, conducted under established standards of open scientific exchange, peer review, and public oversight, offers the most efficient and responsible means of fulfilling the promise of stem cells to provide regenerative medical therapies; and

Whereas, Without allowing research, these promising discoveries will never reach their potential to save human lives; and

Whereas, Scientists have made great advancements toward cures for Type 1 diabetes, Parkinson's disease, and spinal cord injuries through stem cell research; and

Whereas, Without stem cell research protection, American citizens will lose access to this cutting-edge research, clinical trials, and medical treatment, as physicians leave to conduct this important research in locations that are supportive of these breakthroughs; and

Whereas, Embryonic stem cell research and its therapeutic applications hold great promise for America and indeed the entire world; and

Whereas, We have the opportunity to change the course of medicine for the good of our children and grandchildren by eliminating restrictions imposed on stem cell research; and

Whereas, Each day that this stem cell policy is in effect is a day lost for science and humanity; and

Whereas, A growing, broad coalition of proponents demonstrates that support for stem cell research transcends traditional political divides; now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States to reverse his executive order of August 2001 and encourage stem cell research in the United States; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Allen, McManus, Gilbert, Van Woerkom, Sanborn, Bishop, George, Cassis, Cropsey, Garcia, Hammerstrom, Sikkema, Kuipers, Stamas, Jelinek, Hardiman, Birkholz, Brown, Goschka and Patterson offered the following resolution:

Senate Resolution No. 275.

A resolution offered in memoriam of Pat Carpio and his mother Lillian Carpio.

Whereas, It is with great admiration for the impact of a life of service that we memorialize the recent passing of Pat Carpio and his mother Lillian Carpio. In remembrance of them and as an expression of our condolences to their family and friends, we join in offering this resolution as a symbol of our respect; and

Whereas, Pat Carpio, long-time resident of Menominee and 1980 graduate of Menominee High School, will be remembered as one of Michigan's most ardent advocates of Republican ideals and one who continually strove to empower individuals by involving them in the political process. Pat served as senior regional field director for the Michigan Republican Party since 1989, and prior to that, he served as a district representative for Jim Connors of Iron Mountain. He also worked as a political consultant to President George H.W. Bush from 1986 to 1988. Pat's hard work and expertise over the years earned him the respect and admiration of Republicans and Democrats alike; and

Whereas, Pat lived with his widowed mother Lillian and both attended Holy Spirit Catholic Church. Most say the two were inseparable and enjoyed traveling together. Pat oftentimes took special effort to include Lillian in party and local functions, and she is remembered by those who knew her as a kindhearted and compassionate soul. At one time, Lillian, convinced by Pat, ran for the House of Representatives and was always good-natured about being the "standby candidate." In some ways, it is a blessing that Pat and Lillian were received into the Lord's House together, as those who knew them say neither could have survived without the other; and

Whereas, The Upper Peninsula has lost a great leader in Pat Carpio, and he will certainly be missed by many. His hard work, long hours, and vast knowledge of anyone and everything in the Upper Peninsula were invaluable resources to candidates, elected officials, volunteers, and citizens alike; and

Whereas, In all of his work, from campaigning to coalition building, Pat Carpio acted out of a deep love of country, democracy, and his party. This is reflected in his extensive collection of political memorabilia, spanning from Abraham Lincoln and Dwight Eishenhower to Theodore Roosevelt and Ronald Reagan, and his office was considered an unofficial museum. His great enthusiasm, warmth, wonderful humor and wit, character, colorful stories, and pure heart touched all who knew him. His greatest quality, though, was his capability to reach out and form true friendships with everyone. Pat was definitely a uniter, and the state of Michigan and the Republican Party are far stronger for his commitment to service; now, therefore, be it

Resolved by the Senate, That we honor the memory of Pat Carpio—devoted son and brother, party stalwart, history lover, avid collector, and true friend—and his mother Lillian Carpio; and be it further

Resolved, That copies of this resolution be transmitted to the Carpio family and the Michigan Republican State Committee as evidence of our deep respect for their memory.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Introduction and Referral of Bills

Senators Garcia and Basham introduced

Senate Bill No. 1310, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4g (MCL 205.93 and 205.94g), section 3 as amended by 2003 PA 27 and section 4g as added by 1985 PA 66, and by adding section 4w.

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

Senators Garcia and Basham introduced

Senate Bill No. 1311, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 30c and 30g (MCL 125.2330c and 125.2330g) and by adding section 30j.

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

Senators Garcia and Basham introduced

Senate Bill No. 1312, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by repealing sections 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, and 30i (MCL 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, and 125.2330i).

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

Senators Garcia and Basham introduced

Senate Bill No. 1313, entitled

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

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

Senators Garcia and Basham introduced

Senate Bill No. 1314, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Senators Brown, Bishop, Goschka, Garcia, Van Woerkom, Birkholz and George introduced

Senate Bill No. 1315, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," by amending section 7 (MCL 752.797), as amended by 2000 PA 180, and by adding section 5a.

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

Senators Brown, Bishop, Goschka, Garcia, Van Woerkom, Birkholz and George introduced

Senate Bill No. 1316, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17c of chapter XVII (MCL 777.17c), as added by 2002 PA 28.

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

House Bill No. 4868, entitled

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

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 Local, Urban and State Affairs.

House Bill No. 4869, entitled

A bill to allow and protect the rights of manufactured home park tenants to organize a manufactured homeowners association; to provide for certain procedures for the manufactured homeowners association; and to provide certain remedies.

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 Local, Urban and State Affairs.

House Bill No. 5035, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303).

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 Local, Urban and State Affairs.

House Bill No. 5529, entitled

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

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

House Bill No. 5842, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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

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

House Bill No. 5846, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 28 of chapter V (MCL 765.28), as amended by 2002 PA 659.

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

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

House Bill No. 5979, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by amending the title and by adding sections 5a and 7a.

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 Technology and Energy.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

After months of rising gasoline prices, many of us are now experiencing some relief at the pumps, with gas prices falling back below \$2 a gallon. This is great news for many Michigan citizens and will provide considerable savings in the operation of their vehicles. Let's hope that prices continue this downward trend.

Now, if we can just provide additional relief in the way of insurance premiums, the citizens of this state would be able to really rejoice. I know that like the regulation of gasoline prices, the regulation of insurance in this state is a complex process, and I understand that there are many, many factors to consider. However, I also know that there is something that this legislative body can do, and should do, to help the thousands of ratepayers in this state who are being forced to pay skyrocketing premiums.

Just Sunday, I was speaking to a gentleman in his seventies. As a '91 car, I believe it was a Chevy, he said that his rates were like \$3,000 a year, and his car probably would not be able to get much more than that if it was totaled. So now he is just opting to just have no-fault. We should not do our citizens that way.

Many of these ratepayers are in my district, and I have made a promise to them that I will continue to fight and to advocate for changes in our insurance system that will ultimately bring them the relief that they deserve.

Committee Reports

The Committee on Technology and Energy reported

House Bill No. 5807, entitled

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of

Michigan, the right to condemn private property for the uses provided for herein," by amending section 3 (MCL 486.253) and by adding section 5.

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.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Birkholz, Cassis, Olshove, Leland and Bernero
Nays: None

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

The Committee on Technology and Energy reported

House Bill No. 5808, entitled

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

With the recommendation that the bill pass.

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

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Birkholz, Cassis, Olshove and Leland
Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, June 16, 2004, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senators Toy and Brown

The Committee on Appropriations reported

House Concurrent Resolution No. 49.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Plumbers and Pipefitters Building.

(For text of resolution, see Senate Journal No. 46, p. 833.)

With the recommendation that the concurrent resolution be adopted.

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 1120, entitled

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, 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. 1168, 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 18b (MCL 247.668b), as amended by 2002 PA 498.

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, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

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

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1163, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain

other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2003 PA 151.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

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

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

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1082, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 215 (MCL 18.1215), as amended by 1988 PA 504.

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, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

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

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1083, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 217 (MCL 18.1217), as amended by 1999 PA 8.

With the recommendation that the bill pass.

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1290, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 11 (MCL 432.11), as amended by 1996 PA 167.

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, Jelinek, McManus, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: Senators Stamas, Brown, Garcia, Cropsey, Hardiman and George

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4710, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 1987 PA 254.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 16, 2004, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus and Brater

Excused: Senator Thomas

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

House Bill No. 5492, entitled

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

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

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

House Bill No. 4930, entitled

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

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Allen, Gilbert, Jacobs and Basham

Nays: None

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

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

House Bill No. 4232, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2002 PA 725.

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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

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

Senate Bill No. 1114, entitled

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes; and to prescribe penalties and provide remedies.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

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

Senate Bill No. 1115, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; 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.

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, June 16, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Banking and Financial Institutions reported

House Bill No. 5931, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 834 and 4060 (MCL 500.834 and 500.4060), section 834 as amended by 2000 PA 378 and section 4060 as amended by 1993 PA 349, and by adding section 838.

With the recommendation that the bill pass.

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

Michael D. Bishop
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, June 17, 2004, at 12:00 noon, Room 100, Farnum Building

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

The Committee on Appropriations reported

Senate Bill No. 1123, entitled

A bill to authorize the state administrative board to convey or transfer certain parcels of state owned property in Barry county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1124, entitled

A bill to authorize the state administrative board to convey or transfer certain state owned property in Alpena county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1297, entitled

A bill to authorize the state administrative board to convey certain state owned property in Isabella county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1147, entitled

A bill to amend 1964 PA 286, entitled "An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties

of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6a (MCL 247.806a) and by adding section 6b.

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, Garcia, Cropsey, Jelinek, McManus, Hardiman, George and Switalski

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

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. 1081, 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 2 (MCL 225.2).

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, Garcia, Cropsey, Jelinek, McManus, Hardiman and George

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

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

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Grandparent Visitation (SB 727) submitted the following:

Meeting held on Wednesday, June 16, 2004, at 9:00 a.m., Room 405, Capitol Building

Present: Senators Sanborn (C), Patterson and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, June 17, 2004, at 2:00 p.m., Room 210, Farnum Building

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

Excused: Senator Leland

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 24, 8:30 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, June 24, 12:00 noon, Room 100, Farnum Building (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, June 23, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, June 24, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Wednesday, June 30, 3:00 p.m., Room 110, Farnum Building (373-1801)

Finance - Wednesday, June 23, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, June 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Technology and Energy - Wednesday, June 23, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:11 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 23, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

