

No. 99
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, November 3, 2004.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

Reverend John Burow, Chaplain, of Ingham Regional Medical Center of Lansing offered the following invocation:

Gracious Lord, when the pace of life and the fullness of our schedules leave us weary and bewildered, remind us that sufficient time for You, for loved ones, and for self must not be lost. When serious problems and looming threats leave us anxious and bewildered, calm us so that capacity for reason and creativity not be lost. When our positions are unfairly labeled and our very persons unjustly criticized, and that leaves us hurt and bewildered, soothe us so that our own capacity for civility, cooperation, and listening even across the aisle not be lost. When individual voices clamor for their needs to be served and their interests to be protected, strengthen us so that our responsibility to serve and protect all of the people, especially those most vulnerable, not be lost. When the absurdity of the system hinders our collective efforts to bring about worthwhile change, leaving us frustrated and bewildered, restore our joy as grateful, gratitude for the wealth and grandeur of this land, for the wonderful talents of our people, and for the incredible freedoms we enjoy—and those not be lost.

Gracious God, when our own weakness and failures cause us to feel ashamed and bewildered, forgive us so that the blessing of a new day, a fresh beginning, not be lost. And finally, Lord, remind us that though we might be bewildered, if a loving God knows where we are, we can never be truly lost. Amen.

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

Motions and Communications

Senators Gilbert, Garcia, Brown and Stamas entered the Senate Chamber.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:07 a.m.

11:35 a.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

The following communication was received:
Emergency Telephone Service Committee

August 2004

This past year has been one that was, on one end of the spectrum, exciting and forward thinking and on the other end full of tremendous anxiety.

The Emergency Telephone Service Committee (ETSC) certified each of the 83 counties in Michigan that met the requirements for Phase I wireless funding, which speaks volumes to the dedication and commitment of our 9-1-1 professionals throughout the state in providing the best service possible.

In addition to the above, through a tremendous collaborative effort between the state Legislature, ETSC members, and 9-1-1 practitioners we were able to pass legislation that ensured the continuation of state funding for 9-1-1 centers and for the first 9-1-1 state coordinator. This funding bill will help to stabilize emergency centers in these difficult fiscal times, and the coordinator position will provide needed full-time guidance to further Michigan's 9-1-1 system. By working more closely together in the future, a great deal of anxiety experienced by directors of emergency dispatch centers can be averted. To ensure this happens, the ETSC needs to take a more proactive approach with our legislative body.

During the 11th hour of crafting legislation meeting the needs of all those interested, it became abundantly clear that inequities exist in funding to dispatch centers who receive emergency 9-1-1 calls by conventional wireline service and the various wireless devices. Due to the proliferation of wireless devices, the *ALARMING* trend statewide is a significant increase in wireless emergency calls without correlating revenue increases to off-set the decreasing wireline funds. This trend will only expand with the advancement of wireless technology. I truly feel this problem needs to be explored in the next legislative session to not only effectively serve our citizens, but also the millions of visitors of our great state.

As chair of the ETSC this past year, I have had the opportunity to interact with emergency 9-1-1 centers, not only in Michigan, but also nationwide and I am pleased to report to you that Michigan is one of the most progressive states in providing both wireline and wireless service to our populace. This is due to the commitment, professionalism, and

dedication of the staff and directors of our 193 dispatch centers throughout Michigan, the communication service providers, and the work you, the elected leaders, of Michigan.

Sincerely,
Dale Gribler, Sheriff
Chair

The communication was referred to the Secretary for record.

The following communication was received:
Department of Natural Resources

October 4, 2004

Enclosed is one Interim Wildlife Conservation Order issued under the authority of Part 401, Wildlife Conservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451.

Amendment No. 4 of 2004 is necessary to encourage hunters to remove a suspect carcass from the field and submit it for examination and testing. For hunters that have killed a bovine TB suspect deer or elk, a replacement kill tag, in the form of a disease control replacement permit, will be offered to the hunter. This permit would only be for an antlerless animal and be subject to the same hunting rules and regulations as an antlerless license for that species.

This Interim Order, which will be in effect for four months, is proposed to enable Michigan to immediately establish regulations consistent with current federal interpretation and grant the Department the opportunity to fine-tune permanent orders for Commission consideration at a later date.

If you have questions about this Interim Order, please contact Mr. Douglas A. Reeves, Acting Chief of the Wildlife Division, at 517-373-1263.

Sincerely,
Mindy S. Koch
Resource Management Deputy
517-373-0046

The communication was referred to the Secretary for record.

The following communication was received:
Family Independence Agency

October 6, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal Report	Delta County FIA	CP210201090	
Special Investigation	Woodland Center	2004C0207012	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E. J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

October 7, 2004

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Commission for the Blind, Department of Labor and Economic Growth and Family Independence Agency.

October 19, 2004

Enclosed is a copy of the following audit report:
Performance audit of Northwestern Michigan College.

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

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Senate Majority Leader

October 25, 2004

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Finance Committee hold a hearing on the appointment of Judith Trepeck and Sherry Lee to the Michigan Tax Tribunal, and make a written recommendation to the Government Operations Committee on these appointments.

Sincerely,
Ken Sikkema
Chairman, Senate Government Operations Committee

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, October 6, for her approval the following bills:

Enrolled Senate Bill No. 1146 at 1:40 p.m.
Enrolled Senate Bill No. 1391 at 1:42 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, October 8, for her approval the following bills:

Enrolled Senate Bill No. 1206 at 2:56 p.m.
Enrolled Senate Bill No. 1396 at 2:58 p.m.

The Secretary announced that the following official bills were printed on Thursday, October 7, and are available at the legislative Web site:

Senate Bill Nos. 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454

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

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
Senate Bill No. 320
Senate Bill No. 267

Senate Bill No. 1063
Senate Bill No. 1066
The motion prevailed.

The following messages from the Governor were received:

Date: October 5, 2004
Time: 3:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1269 (Public Act No. 363), being

An act to establish the military family relief fund in the department of military and veterans affairs to provide assistance to families of certain members of the reserve components of the United States armed forces on active duty; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

(Filed with the Secretary of State on October 6, 2004, at 9:16 a.m.)

Date: October 7, 2004
Time: 9:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 774 (Public Act No. 365), being

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

(Filed with the Secretary of State on October 7, 2004, at 10:20 a.m.)

Date: October 7, 2004
Time: 9:39 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1391 (Public Act No. 368), being

An act to provide for the transfer between state departments of certain state property in Ingham and Clinton counties.

(Filed with the Secretary of State on October 7, 2004, at 10:26 a.m.)

Date: October 11, 2004
Time: 7:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1123 (Public Act No. 370), being

An act 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.

(Filed with the Secretary of State on October 11, 2004, at 9:02 a.m.)

Date: October 11, 2004
Time: 7:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1120 (Public Act No. 371), being

An act 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.

(Filed with the Secretary of State on October 11, 2004, at 9:04 a.m.)

Date: October 11, 2004
Time: 7:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1164 (Public Act No. 372), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 21777 (MCL 333.21777).

(Filed with the Secretary of State on October 11, 2004, at 9:06 a.m.)

Date: October 12, 2004
Time: 1:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1323 (Public Act No. 383), being

An act to amend 1972 PA 239, entitled “An act to establish and operate a state lottery and to allow state participation in certain lottery-related joint enterprises with other sovereignties; to create a bureau of state lottery and to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate certain sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings for certain purposes; to provide for an appropriation; and to provide for remedies and penalties,” by amending sections 11 and 18 (MCL 432.11 and 432.18), section 11 as amended by 2004 PA 272.

(Filed with the Secretary of State on October 12, 2004, at 3:02 p.m.)

Date: October 12, 2004
Time: 1:31 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1340 (Public Act No. 385), being

An act to amend 1995 PA 29, entitled “An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 19 (MCL 567.239), as amended by 2004 PA 82, and by adding section 11a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 12, 2004, at 3:06 p.m.)

Date: October 15, 2004
Time: 8:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1280 (Public Act No. 392), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural

resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

(Filed with the Secretary of State on October 15, 2004, at 1:39 p.m.)

Date: October 15, 2004

Time: 8:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1146 (Public Act No. 393), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 20161 (MCL 333.20161), as amended by 2003 PA 234.

(Filed with the Secretary of State on October 15, 2004, at 1:41 p.m.)

Date: October 15, 2004

Time: 9:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1281 (Public Act No. 395), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 74124.

(Filed with the Secretary of State on October 15, 2004, at 1:45 p.m.)

Date: October 15, 2004

Time: 9:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1206 (Public Act No. 396), being

An act to amend 1992 PA 147, entitled “An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,” by amending sections 2, 3, 4, and 12 (MCL 207.772, 207.773, 207.774, and 207.782), sections 2, 3, and 12 as amended by 2001 PA 217 and section 4 as amended by 2004 PA 60.

(Filed with the Secretary of State on October 15, 2004, at 1:47 p.m.)

Date: October 15, 2004
Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1396 (Public Act No. 398), being

An act to amend 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2004 PA 81.

(Filed with the Secretary of State on October 15, 2004, at 1:51 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

October 12, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to office under Section 2 of the Blind and Visually Disabled Persons Act, 1978 PA 260, MCL 393.352:

Commission for the Blind

Ms. Sheila R. Ashcraft of 484 Upland Avenue, Pontiac, Michigan 48340, county of Oakland, succeeding Peeti L. Greene, whose term has expired, representing blind persons, for a term commencing October 12, 2004 and expiring September 30, 2007.

Mr. Richard J. Grant of 812 Bradford Drive, Belding, Michigan 48809, county of Ionia, succeeding Barbara A. Thomas, whose term has expired, representing blind persons, for a term commencing October 12, 2004 and expiring September 30, 2007.

October 15, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 91 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.191:

Investment Advisory Committee

Ms. Marina vonNeumann Whitman of 2101 Belmont, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding James B. Henry, whose term has expired, representing the general public, for a term commencing October 15, 2004 and expiring December 15, 2006.

October 15, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 2 of 1975 PA 164, MCL 18.302:

Commission on Spanish-Speaking Affairs

Ms. Esmeralda Rodriguez of 61 West 4th Street, Shelby, Michigan 49455, county of Oceana, succeeding Teresa Lamb, who has resigned, representing the general public, for a term commencing October 15, 2004 and expiring December 31, 2006.

October 20, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 1214, 16121 and 16805 of the Public Health Code, 1978 PA 368, MCL 333.1214, 333.16121 and 333.16805:

Michigan Board of Audiology

Mr. Lari P. Korpela of 19327 Bainbridge, Livonia, Michigan 48152, county of Wayne, appointed to represent audiologists, for a term commencing October 20, 2004 and expiring June 30, 2005.

Mr. Dennis L. Burrows of 3013 Hunters Hill, Kalamazoo, Michigan 49048, county of Kalamazoo, appointed to represent audiologists, for a term commencing October 20, 2004 and expiring June 30, 2006.

Mr. John G. Bizon, M.D., of 114 Castleridge Drive, Battle Creek, Michigan 49015, county of Calhoun, appointed to represent persons licensed to practice medicine or osteopathic medicine and surgery who hold a certificate of qualification from the American Board of Otolaryngology, for a term commencing October 20, 2004 and expiring June 30, 2006.

Ms. Gyl A. Kasewurm of 3516 Magnolia Lane, St. Joseph, Michigan 49085, county of Berrien, appointed to represent audiologists, for a term commencing October 20, 2004 and expiring June 30, 2007.

Ms. Karen A. Jacobs of 10440 Wildwood Trail, Rockford, Michigan 49341, county of Kent, appointed to represent audiologists, for a term commencing October 20, 2004 and expiring June 30, 2007.

Ms. Yvette M. Barrett of 100 Riverfront #610, Detroit, Michigan 48226, county of Wayne, appointed to represent the general public, for a term commencing October 20, 2004 and expiring June 30, 2008.

Mr. Michael D. Seidman, M.D., of 5310 Putnam, West Bloomfield, Michigan 48323, county of Oakland, appointed to represent persons licensed to practice medicine or osteopathic medicine and surgery who hold a certificate of qualification from the American Board of Otolaryngology, for a term commencing October 20, 2004 and expiring June 30, 2008.

Ms. Linda I. Seestedt-Stanford of 930 South Crawford, Mt. Pleasant, Michigan 48858, county of Isabella, appointed to represent audiologists, for a term commencing October 20, 2004 and expiring June 30, 2008.

October 20, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 1 of 1927 PA 89, MCL 285.141:

Upper Peninsula State Fair Board of Managers

Mr. Stewart A. Ouwinga of 5551 F Road, Bark River, Michigan 49807, county of Delta, succeeding William Pesola, whose term has expired, representing the general public, for a term commencing October 20, 2004 and expiring September 30, 2009.

October 26, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322:

Public School Employees' Retirement Board

Mr. Gary W. Allen, Ed.D., of 1225 Buckingham Place, Mt. Pleasant, Michigan 48858, county of Isabella, succeeding Susan Bolton, who has resigned, representing a school system superintendent, for a term commencing October 26, 2004 and expiring March 30, 2005.

Ms. Ivy Y. Bailey of 24608 Harden Avenue, Southfield, Michigan 48075, county of Oakland, succeeding Linda Adams, whose term has expired, representing classroom teachers and an employee of a school district of the first class, for a term commencing October 26, 2004 and expiring March 30, 2008.

Mr. William J. Lawson, Jr., of 8529 North Territorial, Plymouth, Michigan 48170, county of Washtenaw, succeeding John Cook, whose term has expired, representing members who retired from a finance or operations management position and a member of the largest organization of retirants, for a term commencing October 26, 2004 and expiring March 30, 2008.

Ms. Martha K. Pichla of 39111 Lorien, Sterling Heights, Michigan 48313, county of Macomb, succeeding Michael Cassady, who has resigned, representing classroom teachers, for a term commencing October 26, 2004 and expiring March 30, 2005.

Mr. Richard A. Montcalm of 440 Borgess Avenue, Monroe, Michigan 48162, county of Monroe, reappointed to represent a school finance or operations manager who is not a superintendent, for a term expiring March 30, 2008.

October 26, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 18705 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18705:

Michigan Board of Respiratory Care

Ms. Mary Ellen Baker of 3971 South Creek, Rochester, Michigan 48306, county of Oakland, appointed to represent respiratory therapists, for a term commencing October 26, 2004 and expiring December 31, 2005.

Ms. Malita L. Barrett of 5776 Kensington, Detroit, Michigan 48224, county of Wayne, appointed to represent the general public, for a term commencing October 26, 2004 and expiring December 31, 2004, and reappointed to a term expiring December 31, 2008.

Mr. James R. Berry, Jr., of 14747 Rutland, Detroit, Michigan 48227, county of Wayne, appointed to represent respiratory therapists, for a term commencing October 26, 2004 and expiring December 31, 2005.

Mr. Frank J. Couckuyt of 49653 Ryedale Court, Shelby Township, Michigan 48315, county of Macomb, appointed to represent the general public, for a term commencing October 26, 2004 and expiring December 31, 2006.

Mr. Randall M. Kehr of 3340 Peshtigo Drive, Grandville, Michigan 49418, county of Kent, appointed to represent respiratory care, for a term commencing October 26, 2004 and expiring December 31, 2004, and reappointed for a term expiring December 31, 2008.

Mr. Frank R. Sprague of 1050 Harbor Point Court, Muskegon, Michigan 49441, county of Muskegon, appointed to represent medical directors, for a term commencing October 26, 2004 and expiring December 31, 2007.

Mr. David L. Zobeck of 715 Broadview Drive, Jenison, Michigan 49428, county of Ottawa, appointed to represent respiratory therapists, for a term commencing October 26, 2004 and expiring December 31, 2007.

October 28, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 302 and 1802 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1802:

Board of Examiners in Mortuary Science

Mr. David W. Akins of 527 Owen Avenue, Detroit, Michigan 48202, county of Wayne, succeeding Chris A. Anderson, whose term has expired, representing professionals, for a term commencing October 28, 2004 and expiring June 30, 2008.

Mr. Thomas P. Lynch of 328 East Liberty, Milford, Michigan 48381, county of Oakland, succeeding Kevin B. Curtin, whose term has expired, representing professionals, for a term commencing October 28, 2004 and expiring June 30, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

HIGHWAYS; CONSTRUCTION AND REPAIR; ALLOW FOR HEARING ON
CLOSING ROAD THAT SERVICES ANOTHER COMMUNITY

October 15, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 145, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The apparent intent of this bill is to intervene in a local dispute between two local governments over a road closure.

There are many issues that leaders in local government must confront every day. Some are resolved quickly, others are not. Local officials, not lawmakers in Lansing, are best situated to evaluate and act upon local issues primarily affecting residents of their communities, such as a decision to reopen a local road. Rather than promoting local cooperation and responsibility for resolution of local disputes at the local level, Senate Bill 145 instead is likely to magnify political conflict by encouraging communities to ask Lansing to step in rather than encouraging cooperation and constructive resolution of issues among neighboring communities. I am also concerned that Senate Bill 145 would run afoul of Article VII of the Michigan Constitution of 1963 by interfering with a city's right to reasonable control of its streets and highways.

Because enactment of Enrolled Senate Bill 145 would depart from longstanding state policies favoring local control over local matters and establish bad precedent, I return the bill without signature. I strongly encourage the officials of the two cities involved in the dispute giving rise to this legislation to engage in discussions and to make a commitment to identify a resolution of the issue that is in the best interests of residents, particularly children, of both cities.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on October 15, 2004, at 2:08 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

INCOME TAX; CHECKOFF; MICHIGAN STATE PARK ENDOWMENT FUND

October 15, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 1279, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bill would authorize a new voluntary check-off on Michigan income tax returns to allow taxpayers to make contributions of money, in addition to their annual tax obligation, to the Michigan State Parks Endowment Fund.

I believe our parks are important public resources and that we have an obligation to protect and preserve them with a stable funding source. That is why I support maximizing the effective use of the dedicated funds set aside by Michigan taxpayers with their approval of Proposal P for the operation, maintenance, and improvement of state parks.

However, I cannot support Senate Bill 1279 in its current form. Although income tax check-offs can be a valuable tool to support important state managed and operated funds, like the Children's Trust Fund or the Nongame Fish and Wildlife Fund, there is a limited amount of space available on the state income tax form for this purpose. Too many check-offs can lead to more lengthy and complex tax forms, resulting in confusion for taxpayers and delays in the processing of tax returns and refunds.

When I recently signed legislation establishing a check-off for the Military Family Relief Fund, I cautioned that my support of that legislation should not be interpreted as an endorsement of further expansion in the number of check-off contribution options appearing on state income tax forms. Before the state creates any more check-off options we must establish criteria for these check-offs and create a mechanism to ensure the effective management of check-offs. One option would include a rotation of funds eligible for check-off designation so that no more than two can appear on the tax form in any one year.

I invite the legislature to work with this administration to develop legislation that will address my concerns before adding any more check-off options to our state income tax form.

Therefore, I return Enrolled Senate Bill 1279 without signature.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on October 15, 2004, at 2:08 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

Messages from the House

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

Senate Bill No. 757
House Bill No. 4206
Senate Bill No. 220
Senate Bill No. 657
Senate Bill No. 792
Senate Bill No. 793
Senate Bill No. 795
Senate Bill No. 797
Senate Bill No. 798
Senate Bill No. 803
The motion prevailed.

Senate Bill No. 953, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

Substitute (H-1).

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

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

Roll Call No. 736**Yeas—24**

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

Nays—13

Basham	Clarke	Leland	Schauer
Bernero	Emerson	Patterson	Scott
Brater	Jacobs	Prusi	Thomas
Clark-Coleman			

Excused—1

Olshove

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 955

The motion prevailed.

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 pro tempore, Senator Birkholz, designated Senator Van Woerkom as Chairperson.

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

House Bill No. 4458, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229).

Senate Bill No. 1366, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

Senate Bill No. 1432, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 312.

Senate Bill No. 1149, entitled

A bill to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 1329, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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. 978, entitled

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

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. 144, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304.

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. 1440, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

Substitute (S-1).

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

1. Amend page 2, line 22, after "**court**" by striking out "**from the filing of the petition**".
2. Amend page 2, line 25, after "**days**" by striking out "**after**" and inserting "**from**".
3. Amend page 2, line 26, after the first "**hearing**" by inserting "**thereafter until the case is dismissed**".
4. Amend page 3, line 19, after "**days**" by striking out "**after**" and inserting "**from**".
5. Amend page 3, line 20, after the first "**hearing**" by inserting "**thereafter until the case is dismissed**".

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. 1441, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIA (MCL 712A.19c), as amended by 2000 PA 46.

Substitute (S-1).

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

1. Amend page 1, line 3, after "~~foster care~~" by striking out "**a**".
2. Amend page 2, line 1, after "**than**" by striking out "**every**".
3. Amend page 2, line 4, after "**thereafter**" by inserting "**until the case is dismissed**".

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. 1442, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

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. 1444, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, and 17d of chapter XIIA (MCL 712A.13a, 712A.13b, and 712A.17d), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, and section 17d as added by 1998 PA 480.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

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. 231, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

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. 1344, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 2b, 2c, 2d, and 2e.

Substitute (S-3).

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Clarke, Brown and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

There is no doubt that yesterday's elections will go down in the record books as one of the most important in this country's history. There was much at stake at the national, state, and local levels, and it was obvious that the people of our state and nation understood and took advantage of their fundamental right to vote. Record numbers of voters went to the polls. As elected officials, we certainly should be very pleased that so many in this state rose to the occasion and got involved in the political process making their voices heard.

It was stated last evening during one of the network's elections debates that, as Americans, it is time that we stopped exploiting our differences and come together for the common good of all people in this country. And I couldn't agree more.

I will continue to ask my colleagues here in this esteemed chamber to work with me as I fight to correct the injustices in our insurance system that are having serious and significant ramifications for so many of my constituents and so many of your constituents. Let's not make this a political issue, where we, in fact, do exploit, but let us come together and do what is right for the common good of every citizen in this state. I look forward to working with you in the coming months on this vital issue—one that, as many of you are very much aware, is so important to me.

And I just want to thank my Detroiters for coming out to vote yesterday on defeating Proposal E to give them their full rights to vote for their school district. Also, on the casino issue, it's about being fair, and that's what I am always all about. That's why I continue to fight for this insurance so that we will have parity and fairness around this state, and we saw that on yesterday. I'm just sorry my person is not going to run this country though.

Senator Clarke's statement is as follows:

Yesterday was Election Day. We had a lot of big races, election for President, nationally, and here in Michigan a lot of contested races for the State House. But I believe yesterday will go down in political history as setting a milestone for the self-determination of the people of the city of Detroit. It was regarding the defeat of Proposal E, but I have different opinions on what the meaning of that election and that vote is.

You may have heard that Proposal E was regarding a political battle between David and Goliath, in which David won. I have to tell you, I have to disagree. Proposal E was defeated by the most powerful coalition of Detroiters there is—the taxpayers who pay the bills to run the Detroit schools and the parents whose children are students in Detroit schools. They got together to vote down Proposal E. That's the most powerful group I've ever known, and they have made their voice loud and clear.

But unlike the presidential election and unlike our State House races, even though there was a clear victor in Proposal E—the people and the taxpayers and voters won—I believe there are no losers in the defeat of Proposal E. Here's why. A business person who runs a corporation that may employ hundreds of people will also benefit just like a single parent who runs a household with four kids by having a school district that responds and serves all of the taxpayers and all of the citizens of the city.

The people and taxpayers have always had the power over their government, over their politicians in Detroit, but yesterday the voters decided to reclaim that power. Along with that power, though, comes a responsibility—the responsibility of electing the best people on the school board—but most importantly, holding those people accountable to having the best school system possible; requiring all school officials, the CEO, and the school board members to answer to every voter, to every taxpayer, and yes, to every parent.

Senator Brown's statement is as follows:

There are two individuals in our north Gallery who have been waiting very patiently from the very start of our session today for the reading of a special tribute to their brother and cousin. I will introduce them shortly, Madam President, but first the reading of the special tribute.

“LET IT BE KNOWN, That it is with sympathy and deep respect that we offer tribute to honor the memory of Olin Eugene “Jack Jr.” Armstrong, who was taken too soon from this life.

Jack Armstrong grew up in Hillsdale, Michigan, before venturing to destinations around the globe as a civil engineer. His work took him to many foreign lands, including Spain and Portugal, many of which were war-torn and dangerous, such as Bosnia and Angola. Thailand was surely his favorite point of destination, however, as it was there he met his loving wife Jet.

In a previous generation, the name Jack Armstrong was a moniker that symbolized all things American. And so it is today, as we pay special tribute to an all-American son.

By all accounts, Jack Armstrong truly lived life to its fullest. His sense of adventure took him around the world, and his compelling sense of service to others led him to help those in need that he met along life's journey. Jack helped rebuild communities ravaged by war and natural disasters, providing hope to people when they needed it most. But he did not stop there. He earned a teaching certificate and taught English to students wherever his work took him.

Our nation and the entire free world were shocked and saddened to hear of the tragic outcome of Jack's final assignment. Serving as a U.S. civil engineer in Iraq, he was one of many brave volunteers risking their lives for the cause of freedom and democracy. Jack was ruthlessly abducted from his Baghdad residence by militants, held hostage for several days, and brutally murdered on September 20, 2004. He was 51 years old. Sadly, he was not allowed to live his allotted three score and ten years. His courage and bravery in the face of death caught the attention of the world. With his death, we have all lost the embrace of a brother. His untimely loss is a devastating tragedy for the Armstrong family, the Hillsdale community, and all people of good will.

On October 5, the people of Hillsdale gathered to memorialize their fallen native son. Today, the Michigan Senate offers its own condolences by this special tribute. Jack Armstrong is survived by his wife Jet, his mother Francis Gates, his sister Chris Crowley, his three brothers—Alex, Frank, and Tom Armstrong—and other family members. To them we convey our respect and admiration for Jack and all that he accomplished.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated as a memorial for Olin Eugene “Jack Jr.” Armstrong. May his family know of our esteem and our deepest sympathy for their unspeakable loss.”

And this tribute, of course, is signed by Jack Armstrong’s State Representative Bruce Caswell; by myself, State Senator; and lastly, by the Honorable Jennifer Granholm, Governor of the state of Michigan.

Lastly, I would like to introduce to the Senate chamber Frank Armstrong, a brother of Jack Armstrong, and Cindy Armstrong, Jack’s cousin. If they could be warmly received, and there will be opportunity later perhaps for all of us to extend our sympathy and condolences personally.

Senator Clark-Coleman’s statement is as follows:

I stand here before you to speak about a proposal that evoked emotion I have never seen before in all the years I have lived in the city of Detroit. I have to disagree with my colleague in the 1st District. I believe this was a David vs. Goliath effort. Let me just say that you are looking at a situation in which over \$2 million were spent by the business community and by our city administration to put forth an effort that would strip the citizens of Detroit of their right to vote.

Voting for a powerless school board is not a right. That is not a vote. The people in Detroit voiced their opinion loud and clear by a 2-1 margin. They spoke out against this sham of a school board. And let me just say that I have never seen groups come together, grass-roots people come together, with no money, all volunteers. But they had a righteous commitment, and they fought off an effort by all of the newspapers, all of the TV stations, all of the radio stations, and all of the big-money interests. They fought that fight and they survived it and they were victorious with it.

This was indeed a David vs. Goliath effort. We in the Legislature ought to be real careful when we try to impose situations on a community that will strip them of their right to vote. This is what this was. This was a voting rights issue that the people in Detroit saw through very clearly. They understood it. We could not fight to inform them like the other side with all kinds of deceptive ads for the whole period. We didn’t have those resources, but what we did have was a powerful commitment to be righteous and do the right thing. And I am so proud of my Detroit voters who were able to see through the confusion and the maze that was out there that would make them second-class citizens. And we in this Legislature ought to take a lesson from this. We ought to be real careful about coming into a community and stripping them of their local control. And that is what we have done here. We’ve done that, we tried to do it, but the voters spoke loudly and said, “We will have no more.”

Now I want to thank the Democrats who stood with us when we said, “Don’t do this to our community.” I want to thank those Democrats who stood tall. And I want to thank two Republicans who stood tall and said, “No, this is wrong.” I think we all knew this was wrong, but why would you do it to my community and not to your own community? Just think how you would feel if I did this to your community.

So take a lesson from what happened here. Take a real good lesson and don’t come into a community and impose something on that community that you would not impose on your own community. I am so proud of my Detroit residents; so proud that they saw through \$2 million and an effort by our own city administration to dupe them. They saw through it and they did not buy into it. So I’m standing here for the grass-roots people, for this strong coalition that came together, people who in the past had never worked together, but they had a common cause here. They came together, they worked for a common cause, put aside all of the differences of the past, and made sure that we in Detroit received our right to vote for a fully-empowered school board like all of the other 549 school districts. And, believe me, this coalition will stay together, and we will identify some people. But unless you have the community as a part of what’s going on in our school system, it will not work. You have got to bring in the community. What you did let the community out. So if you want an improvement, you have got to include the community, and you have got to include parents; you can’t leave them out of the equation.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Jacobs introduced

Senate Bill No. 1455, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1211 (MCL 380.1211), as amended by 2003 PA 126.

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

Senators Bishop and George introduced

Senate Bill No. 1456, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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

Senators Allen, Prusi, Birkholz, Patterson, McManus, Van Woerkom, Stamas and Brater introduced

Senate Bill No. 1457, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 632.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Birkholz, Brater, Allen, Basham, McManus and Jacobs introduced

Senate Bill No. 1458, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14721, 14722, 14723, and 14724.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Kuipers, Toy, Allen and Birkholz introduced

Senate Bill No. 1459, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 1313 and 1314 (MCL 600.1313 and 600.1314), section 1313 as amended by 2004 PA 12.

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

Senators Toy, Birkholz, Hammerstrom, McManus, Kuipers and Allen introduced

Senate Bill No. 1460, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 201 (MCL 37.2201), as amended by 1980 PA 202.

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

Senators McManus, Cropsey, Van Woerkom, Allen, Birkholz, Gilbert and Johnson introduced

Senate Bill No. 1461, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80102 and 80124 (MCL 324.80102 and 324.80124), as added by 1995 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Hardiman, Bishop and Jelinek introduced

Senate Bill No. 1462, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," (MCL 600.101 to 600.9947) by adding section 2911a.

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

Senator George introduced

Senate Bill No. 1463, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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

Senators Hammerstrom, Patterson and Jacobs introduced

Senate Bill No. 1464, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; 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.

Senators Jacobs, Hammerstrom and Patterson introduced

Senate Bill No. 1465, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

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

Senators Jacobs, Hammerstrom and Patterson introduced

Senate Bill No. 1466, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

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

Senators Jacobs, Hammerstrom and Patterson introduced

Senate Bill No. 1467, entitled

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

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

Senators Hammerstrom, Patterson and Jacobs introduced

Senate Bill No. 1468, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

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

Senators Hammerstrom, Patterson and Jacobs introduced

Senate Bill No. 1469, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

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

Senators Patterson, Hammerstrom and Jacobs introduced

Senate Bill No. 1470, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

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

Senators Patterson, Hammerstrom and Jacobs introduced

Senate Bill No. 1471, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

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

Senators Patterson, Hammerstrom and Jacobs introduced

Senate Bill No. 1472, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 415 (MCL 330.1415), as amended by 1995 PA 290.

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

Committee Reports

The Committee on Education reported

House Bill No. 5457, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 622a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5475, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 620.

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.

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5627, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 18 (MCL 388.1618), as amended by 2003 PA 158.

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.

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5839, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 681, 682, 687, 1723, 1724, 1724a, and 1731 (MCL 380.681, 380.682, 380.687, 380.1723, 380.1724, 380.1724a, and 380.1731), sections 681, 682, 687, and 1724 as amended by 2003 PA 299, section 1724a as added by 1994 PA 258, and section 1731 as amended by 2002 PA 70, and by adding section 625b.

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.

Wayne Kuipers

Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5850, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1804 (MCL 380.1804) and by adding sections 1814, 1815, and 1816.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

House Bill No. 5851, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

With the recommendation that the bill pass.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5921, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 611, 612, 614, 614a, 616, 617, and 701 (MCL 380.611, 380.612, 380.614, 380.614a, 380.616, 380.617, and 380.701), section 611 as amended by 1981 PA 87, section 614 as amended by 2004 PA 233, section 614a as added by 2004 PA 234, and sections 616, 617, and 701 as amended by 2003 PA 299, and by adding section 634.

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.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

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 Education submitted the following:

Meeting held on Wednesday, October 6, 2004, at 1:00 p.m., Room 210, Farnum Building

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 1266, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

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

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.

With the recommendation that the substitute (S-4) 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

House Bill No. 5843, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

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

House Bill No. 6085, entitled

A bill to amend 1982 PA 415, entitled "Correctional officers' training act of 1982," by amending section 12 (MCL 791.512), as amended by 1989 PA 4.

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 Wednesday, October 6, 2004, at 1:30 p.m., Room 110, Farnum Building

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

The Committee on Health Policy reported

House Bill No. 5947, entitled

A bill to amend 1984 PA 323, entitled "The health care false claim act," (MCL 752.1001 to 752.1011) by adding section 4b.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5970, entitled

A bill to amend 1984 PA 323, entitled "The health care false claim act," (MCL 752.1001 to 752.1011) by adding section 4a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, October 6, 2004, at 1:04 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Bernero

The Committee on Technology and Energy reported

Senate Bill No. 1409, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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, Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 5657, entitled

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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, Toy, Birkholz, Brown, Cassis, Olshove, Leland 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 Technology and Energy submitted the following:

Meeting held on Wednesday, October 6, 2004, at 3:00 p.m., Room 210, Farnum Building

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, November 4, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Tuesday, November 9, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce and Labor - Thursday, November 4, 12:00 noon or later immediately following session, Room 110, Farnum Building (373-2413)

Education - Thursday, November 4, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Tuesday, November 9, 3:00 p.m., Room 210, Farnum Building (373-1801)

Natural Resources and Environmental Affairs - Thursday, November 4, 8:00 a.m., Room 100, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:43 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, November 4, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

