

**No. 21**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Tuesday, March 2, 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—present  
Kuipers—present  
Leland—present  
McManus—present

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

Reverend Samuel Duncan, Jr., of Lansing Church of God in Christ of Lansing offered the following invocation:

Heavenly Father, we come before You this morning to start with a word of thanks and gratitude for the greatest gift that You can bestow upon any man or woman, and that's life itself.

We also ask that You would look upon these men and women who have gathered here on this morning as they have come together in session. We pray that You would lead and guide them through the difficult decisions that they will be faced with concerning finances and other critical decisions facing this state and the citizens thereof. We know that they are facing challenges that they have never seen before, but we know with Your help that if you crown them with wisdom, we will see our way through this. So even now I commend them into Your hand. Amen.

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

### Recess

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

10:27 a.m.

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

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

A quorum of the Senate was present.

### Motions and Communications

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

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

The motion prevailed.

Senator Sikkema's statement is as follows:

Mr. President and members, we are especially honored today to have a delegation of five representatives from Lithuania. They are up in the east Gallery, and they are in the United States participating in something called the Open World Program. That program was designed to bring emerging federal and local foreign political leaders to the United States to meet their American counterparts—and that is us—and to gain firsthand knowledge of how American civil society and the Legislature works.

They are here to experience the American political life, to see democracy in action, and as I mentioned, to watch the Legislature in action as well. The Open World Program was authorized by the U.S. Congress in 1991, and it's the first and only exchange program administered by the legislative branch of the U.S. government. So I am particularly honored to have these guests from Lithuania here, and I would ask them to rise and be recognized by the Michigan Senate.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

February 12, 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 2:20 p.m. this date, administrative rule (04-02-02) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code - Part 8. Electrical Code*," effective February 29, 2004.

February 12, 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 2:24 p.m. this date, administrative rule (04-02-04) for the Department of Labor and Economic Growth, Director's Office, entitled "*Construction Code - Part 4. Building Code*," effective February 29, 2004.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Elena L. Beasley, Manager  
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

February 25, 2004

Enclosed is a copy of the following audit report:  
Performance audit of Wayne State University.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Thursday, February 26, and are available at the legislative Web site:

**Senate Bill Nos. 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021**  
**House Bill Nos. 5597 5598**

The Secretary announced that the following official bills were printed on Friday, February 27, and are available at the legislative Web site:

**Senate Bill Nos. 1022 1023 1024 1025 1026**  
**House Bill Nos. 5599 5600 5601 5602 5603 5604 5605 5606 5607 5608 5609 5610 5611 5612**  
**5613 5614 5615 5616 5617 5618 5619 5620 5621 5622 5623 5624**

### 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**

The motion prevailed.

The following messages from the Governor were received:

Date: February 26, 2004  
Time: 9:07 a.m.

To the President of the Senate:

Sir—I have this day approved and signed  
**Enrolled Senate Bill No. 334 (Public Act No. 9), being**

An act 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 13 (MCL 247.663), as amended by 1999 PA 54.

(Filed with the Secretary of State on February 26, 2004, at 10:55 a.m.)

Date: February 26, 2004

Time: 9:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 826 (Public Act No. 14), being**

An act to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties,".

(Filed with the Secretary of State on February 26, 2004, at 11:05 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received and read:

February 27, 2004

Due to a typographical error in the May 20, 2003 letter filed with your office pursuant to 1885 PA 152, MCL 36.2, the following appointment and reappointment should read:

**Michigan Veterans' Facilities Board of Managers**

Mr. Harvey D. Slotman of 736 Apple Avenue, Holland, Michigan 49423, county of Allegan, succeeding Mr. Leo J. LeRoux, whose term has expired, **representing disabled American veterans**, for a term commencing May 20, 2003 and expiring **February 28, 2009**.

Mr. Jasper McCain of 12644 Ilene, Detroit, Michigan 48238, county of Wayne, reappointed to **represent the American Veterans of World War II-Korea-Vietnam (AMVETS)**, for a term expiring **February 28, 2009**.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was 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. 806**

**Senate Bill No. 824**

The motion prevailed.

**Senate Bill No. 506, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511a; and to repeal acts and parts of acts.

Substitute (H-2).

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. 81****Yeas—34**

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

**Nays—3**

Barcia	Prusi	Switalski
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**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Birkholz's statement is as follows:

Senators, you have before you a package of bills dealing with solid waste in Michigan. This package of bills is a package that we have been working on for some months now, and they have been returned from the House with some changes. We will speak to those individually on the bills.

Basically, there are six main things in this package of bills. All are designed to improve Michigan's current regiment for regulating out-of-state waste in order to protect the public health, safety, and welfare of the citizens of this state. The bills deal with giving the director of the DEQ emergency powers authority in case of a substantial threat to the public health or safety of the people of the state or the environment of the state. They also deal with compiling a list of those states, countries, provinces, and local units of government that prohibit the same items from their landfills as Michigan prohibits, so that we will have that list to work from as we move forward with the bills.

The bills affirmatively state the valid public purpose of recycling of adding new banned items to the current list of landfill bans. The new banned items are beverage containers, which come under our statute as originally passed in the beverage container law, and whole tires. Also it combines the other bans that already exist, medical waste, yard clippings, hazardous waste, asbestos, PCBs, etc. We also have in there language that was added by the House to allow for small incidental amounts of banned items without being fined.

We expanded the solid waste inspection programs. We also added new fines to the system to allow us to have some teeth in the law to prohibit, or at least minimize, the effects of small fines which, apparently in the past, we have heard testimonies that companies have just put that in their yearly budgets in order to continue doing what they were doing. We also provide for a moratorium on the issuance of any new landfill construction permits in the future for two years and allow for a system which will require the DEQ and the waste haulers to provide notification of banned items, as well as disposal options.

So with that, I urge the Senate's adoption of the package of bills as we move forward on the various pieces, and you will hear more details with each bill.

Senator Brater's statement is as follows:

I would like to say that I am very proud to have worked with the chair of the natural resources committee to arrive at a bipartisan, bicameral package to address the issue of solid waste in the state of Michigan. Our citizens and our constituents have made it very clear that they want us to take strong action to reduce the flow of waste flowing across our borders. I think this package that we are about to vote on today is a very good start.

Regulating what goes into our landfills is reducing the number of items permitted to be in landfills in Michigan is a very good technique that is permissible within the confines of Supreme Court decisions to give us something that we can do to control what is going into our landfills, including better enforcement of exclusion of items that are currently banned and increasing the list of items that are banned. So it's a very good approach, and I am very proud to have been a part of this deliberation reaching this agreement.

The other key strategy in the package is the bill that is before us now—the idea of reducing landfill capacity in Michigan. The fact that we have so much capacity is one of the major reasons that we have become an attraction of all the waste from all the other jurisdictions. So finding a way to reduce that capacity and tailor it to the amount needed for the needs of Michigan residents is a very key part of this approach. I think that this is a very important step forward that we are taking today, so I am joining with the good chair of natural resources and the previous speaker to urge support of this bill and the rest of the bills in the package.

Senator Switalski's statement is as follows:

This is by and large a good package of bills, but I take exception to this particular bill. This bill would limit the supply of landfill space which, I believe, is bad economics. We shouldn't raise the cost to locals, who have suffered revenue sharing cuts, in order to make it more expensive for the Canadians to landfill here. We will be penalizing ourselves if we do that.

#### **Senate Bill No. 557, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as amended by 2003 PA 153.

(For text of amendment, see Senate Journal No. 97 of 2003, p. 2065.)

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

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

#### **Roll Call No. 82**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 502, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526b.

Substitute (H-2).

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. 83**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

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

The motion prevailed.

Senator Cassis' statement is as follows:

As we are all very familiar, the Governor in her State of the State address highlighted and supported this bill, requiring that Michigan notify all governments that landfills in our state will not accept trash for disposal from places that do not have laws as protective as ours. In others words, places that do not ban what Michigan bans. We strongly believe that these bills, as a whole package, have a compelling state interest to protect and ensure the healthy welfare of all our residents.

I urge concurrence on this bill.

**Senate Bill No. 57, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526c.

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. 84**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 497, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

(For text of amendments, see Senate Journal No. 12, p. 152.)

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:



**Roll Call No. 85****Yeas—37**

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

**Nays—0****Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 498, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11514 and 11521 (MCL 324.11514 and 324.11521).

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,  
 Senator Birkholz offered the following substitute to the House substitute:

Substitute (S-10).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

**Roll Call No. 86****Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 499, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11526 (MCL 324.11526).

(For text of amendment, see Senate Journal No. 12, p. 153.)

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

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

**Roll Call No. 87**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 500, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11546 and 11549 (MCL 324.11546 and 324.11549).

Substitute (H-3).

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. 88**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**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.

The Senate agreed to the title as amended.

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

**Senate Bill No. 715, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11533 and 11538 (MCL 324.11533 and 324.11538).

(For text of amendment, see Senate Journal No. 12, p. 153.)

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

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

**Roll Call No. 89**

**Yeas—37**

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

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

### **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:

**House Bill No. 5234, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526a.

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. 5235, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11527a.

Substitute (S-1).

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

1. Amend page 2, line 6, by striking out of all of subdivision (a) and inserting:

“(a) Senate Bill No. 497.”.

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**House Bill No. 5234**

**House Bill No. 5235**

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

The following bill was read a third time:

**House Bill No. 5234, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526a.

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. 90**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

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

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

“An act to 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5235, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11527a.

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. 91**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn

Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Schauer  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: President

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

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

“An act to 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.”

The Senate agreed to the full title.

### **Resolutions**

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

The motion prevailed.

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

**Senate Resolution No. 221**

The resolution consent calendar was adopted.

Senator Leland offered the following resolution:

**Senate Resolution No. 221.**

A resolution recognizing the week of March 7-13, 2004, as School Social Worker Week and honoring the Michigan Association of School Social Workers.

Whereas, The Michigan Association of School Social Workers is a professional organization serving more than 500 members; and

Whereas, School social workers serve as vital members of a school’s educational team, playing a central role in creating partnerships among home, school, and community to ensure student academic success; and

Whereas, School social workers specialize in providing services to students who are often facing enormous challenges, such as poverty, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and learning disorders; and

Whereas, There is a growing need for school districts to provide the services offered by school social workers to students to address problems such as school violence. In addition, there is also a need to work with families, teachers, principals, community agencies, and others to address emotional, physical, and environmental needs so that a student may achieve behavioral and academic success; and

Whereas, Fewer than 1 in 5 of the 17.5 million children in need of mental health services actually receive them, and the President's New Freedom Commission on Mental Health indicates that school mental health programs improve educational outcomes; and

Whereas, School social workers are uniquely trained to provide specialized services that include clinical skills and understanding of psychopathology, such as depression, autism, and eating disorders, as well as development of behavior intervention plans and crisis intervention in cases of suicide, school violence, and other traumatic events; now, therefore, be it

Resolved by the Senate, That we hereby recognize March 7-13, 2004, as School Social Work Week; and be it further

Resolved, That we honor the Michigan Association of School Social Workers and commend the organization for the valuable role it plays in providing for the mental, physical, and emotional well-being of the young people of the great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Social Workers as a symbol of our esteem.

Senators Barcia, Basham, Bernero, Birkholz, Brater, Cassis, Cherry, Clarke, Garcia, George, Goschka, Jacobs, Olshove, Schauer, Switalski, Thomas, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Allen and Sanborn offered the following concurrent resolution:

**Senate Concurrent Resolution No. 39.**

A concurrent resolution to urge the United States Department of Energy to develop the Rare Isotope Accelerator at Michigan State University.

Whereas, Basic scientific research provides a foundation of knowledge that makes possible advances in virtually all fields. Gaining new understanding of elements can lead to discoveries that can impact multiple aspects of life—from medicine to national security. In an effort to spur our country to new achievements in nuclear science, the federal government is committed to developing the Rare Isotope Accelerator (RIA). This major project has significant implications for our nation, our state, and our world; and

Whereas, Michigan's achievements in scientific research are well-established. Our universities have spearheaded several breakthroughs that reap benefits for the world today. The establishment and success of the Life Sciences Corridor is an example of the commitment our state has made to advancing the frontiers of knowledge; and

Whereas, The Rare Isotope Accelerator will be dedicated to producing and exploring isotopes that cannot be found in nature today. The research will be a natural extension of the activities currently conducted at the National Superconducting Cyclotron Laboratory (NSCL) at Michigan State University. This highly regarded facility has demonstrated its value to the country with a proven record of accomplishment and cost effectiveness. While the new accelerator will be many times more powerful, the existing resources, infrastructure, and personnel at Michigan State University have made the National Superconducting Cyclotron Laboratory the leading rare isotope research facility in the country; and

Whereas, The Department of Energy listed the Rare Isotope Accelerator project as tied for third in its list of priority projects over the next twenty years. The RIA must now pass through several stages before being officially funded; and

Whereas, Locating the Rare Isotope Accelerator at Michigan State University is a logical extension of the commitment the nation has already made and the work that is already conducted at NSCL. The university has developed ambitious plans for this next generation of isotope research. Renewing the country's wise investment by locating the new Rare Isotope Accelerator at Michigan State University is a decision that is in the country's best interest for many reasons; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Energy to develop the Rare Isotope Accelerator at Michigan State University; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Energy and the members of the Michigan congressional delegation.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Economic Development, Small Business and Regulatory Reform.

The motion prevailed.

Senators Barcia, Birkholz, Bishop, Cassis, Cropsey, Garcia, George, Goschka, Jacobs, Olshove, Schauer, Switalski, Toy and Van Woerkom were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Kuiper's statement is as follows:

As we know all too well, Michigan manufacturers are struggling because of the recent economic downturns, as well as aggressive and sometimes unfair global competition. Those of us in this chamber have worked hard this session and last session to give Michigan employers a business climate that keeps them internationally competitive in today's marketplace, just as President Bush has done on the federal level. We've cut taxes and kept them low and ensured that burdensome regulations don't push jobs overseas. One such initiative President Bush has pitched for aiding manufacturers on the national level is creating a manufacturing czar. This person would work to keep American manufacturing vibrant. His plan has gained support from Republicans and Democrats alike, including our own Governor. I certainly understand why the Governor supports—and has supported for months—having someone in the national government who focuses exclusively on ensuring the various federal bureaucracies don't burden manufacturing job creation and retention. What I don't understand is why she doesn't support the same thing here at home.

Earlier this year, Governor Granholm vetoed House Bill No. 5306, which would have created a manufacturing czar position here in Michigan. That person would have—just like their federal counterpart—worked to keep state bureaucracies working together to ensure that heavy-handed or unnecessary bureaucracies and rules didn't jeopardize Michigan jobs. She also vetoed Senate Bill No. 840, which would have created a czar to deal with small-business issues.

I know the political season is here, but Michigan workers need more than political slogans and opportunistic criticisms of our President Bush. They need to be sure the state's bureaucracies remain focused on keeping their jobs here and on attracting new employers. Michigan needs such a czar position to ensure the regulatory and economic development arms of the state are doing what they can to get Michigan working. The Governor's statement of support on the value of a manufacturing czar makes little sense when her actions say something much different.

I hope that as we in the Legislature work on the next part of the jobs plan put forward by myself and my Republican colleagues that the Governor shows much more consistency and leadership than she's demonstrated on this issue that is so important to our state's well-being.

Senate Bill No. 841 is in the House, and I hope that when that bill gets to the Governor's desk, she will sign it. What is good for our manufacturers nationally is good for our manufacturers here in Michigan.

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senator Switalski introduced  
**Senate Bill No. 1027, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 2003 PA 158.

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

Senator Switalski introduced  
**Senate Bill No. 1028, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 175.

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

Senator Kuipers introduced  
**Senate Bill No. 1029, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 1996 PA 464, and by adding section 8a.

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



Senators Jacobs, Goschka, Basham, Thomas, Switalski, Clark-Coleman, Olshove, Cherry and Prusi introduced  
**Senate Bill No. 1030, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

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

Senators Birkholz, Goschka, Patterson, Barcia, McManus, Bishop, George, Allen, Toy and Hardiman introduced  
**Senate Bill No. 1031, entitled**

A bill to amend 1875 PA 54, entitled "An act to facilitate the inspection and reproduction of the records and files in the offices of the registers of deeds," by amending section 1 (MCL 565.551), as amended by 1994 PA 51.

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

Senators Garcia, George, Bishop, Allen, Cherry, Olshove, Goschka, Kuipers, Toy, Schauer and McManus introduced  
**Senate Bill No. 1032, entitled**

A bill to amend 1994 PA 55, entitled "Confidential research information act," by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

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

Senator Barcia introduced

**Senate Bill No. 1033, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senator Prusi introduced

**Senate Bill No. 1034, entitled**

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2005; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Senator Switalski introduced

**Senate Bill No. 1035, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senator Cherry introduced

**Senate Bill No. 1036, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2005; to provide for the

expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Senator Switalski introduced  
**Senate Bill No. 1037, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senator Switalski introduced  
**Senate Bill No. 1038, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Senator Barcia introduced  
**Senate Bill No. 1039, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Scott introduced  
**Senate Bill No. 1040, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers; 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 Appropriations.

Senator Switalski introduced  
**Senate Bill No. 1041, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senator Cherry introduced

**Senate Bill No. 1042, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senator Clarke introduced

**Senate Bill No. 1043, entitled**

A bill to make appropriations for the department of history, arts and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; 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 Appropriations.

Senator Switalski introduced

**Senate Bill No. 1044, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senator Prusi introduced

**Senate Bill No. 1045, entitled**

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Senator Clarke introduced

**Senate Bill No. 1046, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senator Barcia introduced

**Senate Bill No. 1047, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Switalski introduced

**Senate Bill No. 1048, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18, 18a, 19, 20, 20j, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c,

51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b and 163 (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618, 388.1618a, 388.1619, 388.1620, 388.1620j, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b and 388.1763), sections 11 and 26a as amended by 2003 PA 236, sections 11b, 32j, 41a, and 98b as added and sections 3, 6, 11f, 11g, 11j, 18, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 101, 104a, 107, and 147 as amended by 2003 PA 158, and section 32f as amended by 2002 PA 521, and section 20j as amended by 2001 PA 121, and sections 21b, 152 and 163 as amended by 2000 PA 297, and section 13 as amended by 1999 PA 119; and section 26 as amended by 1997 PA 93, and sections 15 and 18a as amended by 1996 PA 300, and section 4 as amended by 1995 PA 130, and section 158b as added by 1994 PA 283, and by adding sections 20l, 32, 61b and 107b; 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 Appropriations.

Senator Clarke introduced

**Senate Bill No. 1049, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Senator Barcia introduced

**Senate Bill No. 1050, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

Senator Cropsey introduced

**Senate Bill No. 1051, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

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

### Committee Reports

The Committee on Health Policy reported

**House Bill No. 4706, entitled**

A bill to provide for and to regulate access to and disclosure of medical records; to prescribe powers and duties of certain state agencies and departments; to establish fees; to prescribe administrative sanctions; and to provide remedies.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 4755, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643, and by adding section 20170.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, February 25, 2004, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Appropriations reported

**House Bill No. 4178, entitled**

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

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, 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

**House Concurrent Resolution No. 38.**

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 the Board of Control of Northern Michigan University relative to the Northern Michigan University Student Services Building.

(For text of resolution, see Senate Journal No. 1, p. 6.)

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, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

**House Concurrent Resolution No. 39.**

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 the Board of Control of Northern Michigan University relative to the Northern Michigan University Fine and Practical Arts Project.

(For text of resolution, see Senate Journal No. 1, p. 6.)

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, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

**House Concurrent Resolution No. 40.**

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 Mid Michigan Community College relative to the Mid Michigan Community College Student Assessment Center.

(For text of resolution, see Senate Journal No. 1, p. 7.)

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, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

**House Concurrent Resolution No. 41.**

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 Michigan Technological University relative to the Michigan Technological University Center for Integrated Learning and Information Technology Project.

(For text of resolution, see Senate Journal No. 1, p. 8.)

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, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

**House Concurrent Resolution No. 42.**

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 the Community College District of Monroe County relative to the Community College District of Monroe County Instructional Center for Business Training and Performing Arts Building.

(For text of resolution, see Senate Journal No. 1, p. 9.)

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, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported  
**House Concurrent Resolution No. 43.**

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

(For text of resolution, see Senate Journal No. 1, p. 10.)

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, Barcia, 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. 829, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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, Cherry and Switalski

Nays: Senators Scott and Clarke

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported  
**House Bill No. 5479, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8142 (MCL 600.8142).

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, Cherry and Switalski

Nays: Senators Scott and Clarke

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

The Committee on Appropriations reported  
**House Bill No. 5480, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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, Cherry and Switalski

Nays: Senators Scott and Clarke

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**Senate Bill No. 885, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32j (MCL 388.1632j), as added by 2003 PA 158.

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. 839, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; to prescribe certain powers and duties of state departments and agencies regarding the conveyance; and to provide for disposition of the revenue 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. 874, entitled**

A bill to amend 1998 PA 492, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions," by amending section 3.

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.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 25, 2004, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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



The Committee on Local, Urban and State Affairs reported

**House Bill No. 5266, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 1e, 1i, 49, 53, 55, and 64 (MCL 38.1a, 38.1e, 38.1i, 38.49, 38.53, 38.55, and 38.64), section 1a as amended by 1998 PA 205, sections 1e and 1i as amended and sections 53, 55, and 64 as added by 1996 PA 487, and section 49 as amended by 2002 PA 93.

With the recommendation that the bill be referred to the Committee on Appropriations.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee on Appropriations.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 5279, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 4, 14, 14a, 42, and 43 (MCL 38.1603, 38.1604, 38.1614, 38.1614a, 38.1642, and 38.1643), sections 3 and 14 as amended by 2000 PA 374, section 14a as added by 1995 PA 192, section 42 as amended by 1989 PA 191, and section 43 as amended by 2002 PA 96, and by adding section 24a.

With the recommendation that the bill be referred to the Committee on Appropriations.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee on Appropriations.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 937, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

With the recommendation that the bill be referred to the Committee on Natural Resources and Environmental Affairs.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz and Basham

Nays: None

The bill was referred to the Committee on Natural Resources and Environmental Affairs.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 804, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 183 (MCL 560.183).

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 and Basham

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 26, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz and Basham

Excused: Senators Goschka and Bernero

The Committee on Education reported

**House Bill No. 5476, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 1995 PA 289; and to repeal acts and parts of acts.

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

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

Wayne Kuipers  
Chairperson

To Report Out:

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

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 Thursday, February 26, 2004, at 2:00 p.m., Room 210, Farnum Building

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

Excused: Senator Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Joint meeting held on Thursday, February 26, 2004, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Brown (C), Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Thursday, February 26, 2004, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:

Meeting held on Thursday, February 26, 2004, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Stamas (C), Johnson, George, Garcia, Cherry and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, February 27, 2004, at 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, Flint

Present: Senators Goschka (C) and Cherry

Excused: Senators Johnson, Hardiman and Prusi

**Scheduled Meetings**

**Appropriations** - Wednesday, March 3, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Commerce, Labor and Economic Development** - Wednesday, March 10, 3:00 p.m., Room 110, Farnum Building (373-2420)

**Community Colleges** - Tuesdays, March 9, 1:00 p.m., and March 16, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Community Health Department** - Thursdays, March 4 and March 18, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Wednesdays, March 3, March 10 and March 17, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Fridays, March 5, 10:00 a.m., Cornerstone University, Grand Rapids; and March 12, 9:00 a.m., Lake Superior State University, Sault Ste. Marie (373-1760)

**Judiciary and Corrections** - Tuesdays, March 9 and March 16 (CANCELED), 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

**K-12, School Aid, Education** - Wednesday, March 3, 2:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Natural Resources Department** - Tuesdays, March 9 and March 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Banking and Financial Institutions** - Thursday, March 4, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, March 3, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7670)

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

**Finance** - Wednesday, March 3, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, March 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

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

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:37 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 3, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

