

No. 42  
STATE OF MICHIGAN  
**Journal of the Senate**  
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Senate Chamber, Lansing, Tuesday, May 4, 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 not present.

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

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

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

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

Dear Lord, we come to You in a spirit of humility and gratitude. We are humble because we recognize that You are the Creator and the Giver of all things. But we also come with a sense of gratitude that You have given each one of us a unique opportunity to be of service to our constituents, of service to the entire state of Michigan, and ultimately and most importantly, to be of service to You.

Bless these deliberations in this session and this chamber today. Bless the deliberations in the committee rooms and our private discussions with our colleagues, both in the Senate and the House.

This and more we ask in Your name. Amen.

The President pro tempore, Senator Birkholz, 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.

10:33 a.m.

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

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

A quorum of the Senate was present.

### Motions and Communications

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

The following communications were received:  
Department of Community Health

April 21, 2004

The Department of Community Health provides the citizens of Michigan with a broad spectrum of diverse and essential services. Pursuant to Public Act 223 of 1976, we have the honor of presenting a detailed report of the activities of the Crime Victim Services Commission for Fiscal Years 2002 and 2003.

The report describes the Commission's many activities on behalf of victims of crime and crime victim service providers across the state. These activities include financial compensation for injured victims with unpaid medical bills, supporting the work of victims rights advocates in Michigan's county prosecutor offices and giving local agencies added resources to better serve victims of child abuse, sexual assault, domestic violence, drunk driving and other violent crimes that impact our families and neighborhoods.

It is appropriate and significant that these services are all paid for with state and federal crime victim funds. These funds are derived entirely from fines and assessments paid by convicted criminals in state and federal courts.

April 21, 2004

In accordance with Public Act 336 of 1994 (Section 333.2723(1)), the Michigan Department of Community Health is submitting the *Essential Health Provider (MEHP) Recruitment Strategy Report*. The biennial report details the progress in the past two years. It also includes accomplishments since the program's inception in 1991.

If you have any questions, please feel free to contact my office at 335-0267.

Sincerely,  
Janet Olszewski  
Director

The communications were referred to the Secretary for record.

The following communications were received:  
Office of the Auditor General

April 29, 2004

Enclosed is a copy of the following audit report:  
Performance audit of the Office of Highway Safety Planning, Michigan Department of State Police.

April 29, 2004

Enclosed is a copy of the following audit report:  
Performance audit of the Upper Peninsula State Fair, Department of Agriculture.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 29:  
**House Bill Nos. 4688 5664 5681**

The Secretary announced that the following official bills were printed on Thursday, April 29, and are available at the legislative Web site:

**Senate Bill Nos. 1172 1173 1174 1175 1176**  
**House Bill Nos. 5825 5826 5827 5828 5829**

The Secretary announced that the following official bills were printed on Friday, April 30, and are available at the legislative Web site:

**Senate Bill Nos. 1177 1178 1179 1180**  
**House Bill Nos. 5830 5831 5832 5833 5834 5835 5836 5837 5838 5839 5840 5841 5842 5843**  
**5844 5845**

### 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**

The motion prevailed.

The following message from the Governor was received and read:

May 3, 2004

I respectfully submit to the Senate, pursuant to Section 3 of 1972 PA 344, MCL 290.703, please be advised of the following appointment and reappointment to office:

#### **Agricultural Marketing and Bargaining Board**

Mr. Timothy O. Brian, a Republican, of 9253 Tenth Street, Interlochen, Michigan 49643, county of Grand Traverse, succeeding Sandra L. Gesler, who has resigned, for a term commencing May 3, 2004 and expiring September 1, 2004.

Mr. Frederick J. Tubbs, a Republican, of 3748 North Oceana Drive, Hart, Michigan 49420, county of Oceana, reappointed for a term commencing May 3, 2004 and expiring September 1, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

### Messages from the House

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

**Senate Bill No. 784**

**Senate Bill No. 863**

**Senate Bill No. 865**

**Senate Bill No. 867**

**Senate Bill No. 872**

**Senate Bill No. 875**

The motion prevailed.

#### **Senate Bill No. 778, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2000 PA 455.

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

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

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

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

#### **Senate Bill No. 1093, entitled**

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

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

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

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

The Senate agreed to the full title.

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

The House of Representatives returned, in accordance with the request of the Senate

#### **House Bill No. 5307, entitled**

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator Hammerstrom moved to reconsider the vote by which the bill was passed.

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

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

#### **Senate Bill No. 307, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. 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. 255****Yeas—37**

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

**Nays—0****Excused—1**

Johnson

**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 Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 783, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411t. Substitute (H-1).

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

1. Amend page 2, following line 15, by striking out all of subsection (6) and renumbering the remaining subsections.
  2. Amend page 2, line 21, after “is” by striking out “**an elementary school**,”.
  3. Amend page 4, following line 4, by striking out all of subsection (9) and renumbering the remaining subsection.
- The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 256****Yeas—37**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas

Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom

McManus  
Olshove  
Patterson  
Prusi

Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Johnson

**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 Senate agreed to the full title.

### **Third Reading of Bills**

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

**House Bill No. 5307**

The motion prevailed.

The following bill was announced:

**House Bill No. 5307, entitled**

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal, and the manner in which income is apportioned among beneficiaries at the beginning and upon the termination of a trust or estate; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cropsy offered the following amendments:

1. Amend page 9, line 15, after the first "the" by striking out "settlor" and inserting "decedent".
2. Amend page 14, line 16, after "before" by striking out "a settlor" and inserting "the decedent".
3. Amend page 14, line 21, after "the" by striking out "settler" and inserting "decedent".
4. Amend page 14, line 25, after "which" by striking out "a settlor" and inserting "the decedent".
5. Amend page 21, line 26, after "a" by striking out "cotrustee" and inserting "cofiduciary".
6. Amend page 32, line 1, after "gives" by striking out "rights" and inserting "rise".

The amendments were adopted, a majority of the members serving voting therefor.

Senator Cropsy offered the following amendment:

1. Amend page 34, following line 15, section 605, after the first "or" by striking out "descendant's" and inserting "decedent's".

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

The question being on the passage of the bill,

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

**Roll Call No. 257****Yeas—37**

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

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: Birkholz

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 Stamas 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 bill:

**Senate Bill No. 927, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43705 (MCL 324.43705), as added by 2001 PA 50.

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

**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. 249**

The resolution consent calendar was adopted.

Senator Jacobs offered the following resolution:

**Senate Resolution No. 249.**

A resolution recognizing the week of May 6-12, 2004, as National Nurses Week in Michigan.

Whereas, More than 114,000 registered nurses in Michigan comprise the largest group of licensed health care professionals in Michigan; and

Whereas, Registered nurses provide the most direct and continuous care to populations of every age and in every environment of care; and

Whereas, The depth and breadth of the registered nursing profession meets the varied and emerging health care needs in a wide range of settings; and

Whereas, The Michigan Nurses Association celebrates its 100th anniversary as the voice for the registered nurses of the great state of Michigan; and

Whereas, The Michigan Nurses Association is working to ensure safe patient care and an improved health status for all Michigan citizens; and

Whereas, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

Whereas, The cost-effective, safe, and quality health care services provided by registered nurses will be an even more important component of Michigan's health care delivery system in the future; and

Whereas, The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

Whereas, The development and maintenance of a vital nursing workforce in Michigan is of concern to all of our residents; and

Whereas, More registered nurses are needed to meet the increasingly complex needs of health care consumers; and

Whereas, The Michigan Nurses Association celebrates the week of May 6-12, 2004, as National Nurses Week with a year-long theme of "Safe Patient Care" in recognition of the ways in which registered nurses strive to ensure safe and high quality patient care in all settings; and

Whereas, National Nurses Week provides an excellent opportunity to extend our appreciation and gratitude to the registered nurses of Michigan who serve 24 hours a day, 7 days a week throughout the state; now, therefore, be it

Resolved by the Senate, That members of this legislative body recognize the week of May 6-12, 2004, as National Nurses Week in Michigan, and we ask that all residents of Michigan join in honoring Michigan's registered nurses who strive to ensure safe patient care for all of us; and be it further

Resolved, That the residents of Michigan celebrate registered nurses' accomplishments and efforts to improve the safety and quality of our health care system, and show our appreciation for registered nurses not just during this week, but at every opportunity throughout the year; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the state of Michigan and the Michigan Nurses Association in deepest appreciation of the contribution and sacrifice of all registered nurses everywhere.

Senators Brown, Switalski, Gilbert, Van Woerkom, Goschka, Stamas, Schauer, Garcia, Toy, Birkholz, Hammerstrom, Prusi, Johnson, Kuipers, Sanborn and Cropsey offered the following resolution:

**Senate Resolution No. 248.**

A resolution honoring the 60th Anniversary of D-Day and the Allied invasion of Europe.

Whereas, The 6th of June 2004 marks the 60th Anniversary of June 6, 1944, the Allied invasion of Normandy, France, and the turning point of World War II in the European Theatre; and

Whereas, The invasion was the largest amphibious assault in the history of the world, involving more than 175,000 men, 11,000 aircraft, and 5,000 ships. We must recognize this historic mobilization as the pivotal event of the 20th century, on which rested the future of the free world; and

Whereas, The battle was long and bloody as Hitler's Wehrmacht (armed forces) inflicted more than 5,000 American casualties, 3,000 British casualties, and 1,100 Canadian casualties; a total of more than 9,000 Allied souls dead, wounded, or missing. We must not forget that these lives were given, in the words of President Roosevelt, "to preserve...our civilization and to set free a suffering humanity"; and

Whereas, World War II was fought to defeat evil and secure the blessings of liberty around the world. We must remember the men and women of that time whose lives were cut short, interrupted, and changed forever, and the generations lost and scattered in the struggle; and

Whereas, Those who sacrificed their youth and their lives to set free millions held in bondage by the forces of evil must be recognized and remembered by posterity as heroes, deliverers, and patriots of liberty; and

Whereas, The dedication of the invasion forces to free those whom they had never met, their courage to rise from the waves and stand against the unprecedented volley of fire from the entrenched German bunkers, and the fortitude of those in the invasion to rise up even in the face of incredible odds and ultimately win the day must all be upheld as examples of unspeakable valor and courage. It speaks to the best of an unselfish human spirit; now, therefore, be it



Resolved by the Senate, That we hereby recognize June 6, 2004, as the 60th Anniversary of D-Day, the commencement of Operation Overlord, the Allied invasion of Normandy, France, and the liberation of Europe from Nazi occupation and oppression. The men of D-Day came ashore not as invaders, but as liberators, bearing the best of human ideals as gifts to the oppressed people of Europe. May God forever bless the noble souls of D-Day, their families, and the generations saved by their gallant and heroic sacrifices.

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

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Senior Citizens and Veterans Affairs.

The motion prevailed.

Senators Barcia, Basham, Cassis, Clarke, Jacobs, Jelinek, Leland, Olshove, Patterson, Scott and Thomas were named co-sponsors of the resolution.

### **Introduction and Referral of Bills**

Senator Birkholz introduced

#### **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.

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

Senators Emerson, Leland and Goschka introduced

#### **Senate Bill No. 1182, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system," by amending section 59a (MCL 38.1059a), as amended by 2002 PA 97.

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

#### **House Bill No. 4688, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526a and 11538 (MCL 324.11526a and 324.11538), section 11526a as added by 2004 PA 40, and section 11538 as amended by 2004 PA 44.

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

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

#### **House Bill No. 5664, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

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

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

#### **House Bill No. 5681, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76505 and 76507 (MCL 324.76505 and 324.76507), as added by 1995 PA 58, and by adding section 76507a.

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

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

### Statements

Senators Scott and Cassis 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:

My fellow colleagues, I rise today to speak to you again on the issue of insurance reform. This coming Saturday, I will be participating in a pro-consumer insurance rally at the Hart Plaza in Detroit hosted by talk radio personality Craig Trombley. The rally will provide an opportunity for the public to speak about their frustrations with high insurance premiums as well as the unfair treatment and conduct of insurance companies. The rally will send a clear message to our insurance companies that we want action now.

We know that Detroit has the highest auto insurance premiums in the country, although their auto theft rates have been down for the last six years. This rally will provide citizens in the city of Detroit an opportunity to express their dissatisfaction by telling their story, listening to others, and signing a petition that will be brought here to Lansing next week.

I have introduced several bills on insurance reform and am currently drafting other legislation—all in an attempt to create dialogue and invite members of this chamber to work together to find solutions. I am calling on the chair of the Senate Banking and Financial Institutions Committee to allow for this important dialogue to begin.

Senator Cassis' statement is as follows:

With the passage of Senate Bill No. 307 today, we are initiating the development of local parental involvement plans in our schools throughout Michigan. I want to say particular thanks to Dr. Cheryl Sommers and her graduate students in the School of Psychology at Wayne State University. You see, it was these students, under Dr. Sommers' guidance, who did something that we don't see and experience every day in the course of the passage of a bill. Their research efforts showing the importance of parental involvement in the education of their children which leads to better achievement, improved classroom behavior, and motivation, as well as positive outcomes in a number of domains really, truly is unique.

These individuals are Cherie Gibson from Farmington Hills; Stacy Thomas of Detroit, Michigan; Aja Temple from Southfield; Jill Brimm from Ferndale, Michigan; and Leann Witzke from Jeddo, Michigan. Again, my very grateful thanks for their work and efforts in the passage of this bill.

### Committee Reports

The Committee on Appropriations reported

**Senate Bill No. 1106, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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, 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. 1107, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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. 1167, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending the title and sections 4, 5a, 7, and 9 (MCL 28.724, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

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

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

Shirley Johnson

Chairperson

## To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, April 28, 2004, at 2:30 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. 5093, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 17g, 23, 27, 33, and 67a (MCL 38.17g, 38.23, 38.27, 38.33, and 38.67a), sections 17g, 23, and 27 as amended by 1987 PA 241, section 33 as amended by 2002 PA 93, and section 67a as added by 1996 PA 487, and by adding section 27a.

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 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, April 29, 2004, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Bernero

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 1023, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52511.

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.

Gerald Van Woerkom

Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 1024, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, 50504, 50506, 50507, and 50508 (MCL 324.50501, 324.50502, 324.50504, 324.50506, 324.50507, and 324.50508), as added by 1995 PA 57.

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.

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Thomas

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**House Bill No. 5554, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading to part 525 and section 52501 (MCL 324.52501), as added by 1995 PA 57, and by adding sections 52502, 52503, 52504, 52505, 52506, and 52507.

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.

Gerald Van Woerkom  
Chairperson

## To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

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 Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, April 29, 2004, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

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

**Senate Bill No. 320, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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.

Alan Sanborn  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**House Bill No. 4937, entitled**

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2, 3, and 7a (MCL 408.752, 408.753, and 408.757a), sections 2 and 3 as amended by 1986 PA 277 and section 7a as amended by 1982 PA 176.

With the recommendation that the bill pass.

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

Alan Sanborn  
 Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**House Bill No. 5500, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1113 (MCL 436.2113), as amended by 1998 PA 416, and by adding section 1114.

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

1. Amend page 5, line 11, after "**day**" by striking out the balance of the sentence and inserting a period.

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

Alan Sanborn  
 Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 28, 2004, at 3:00 p.m., Rooms 402 and 403, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, April 28, 2004, at 3:00 p.m., Room 210, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Thursday, April 29, 2004, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, April 29, 2004, at 2:00 p.m., Room 210, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, April 29, 2004, at 2:25 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Brown (C), Jelinek and Barcia

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Thursdays, May 6, May 13 and May 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Capital Outlay** - Thursday, May 6, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Wednesdays, May 5, May 12 and May 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**Family Independence Agency** - Thursdays, May 6 and May 13, 8:00 a.m., Room 210, Farnum Building; May 6 and May 13, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower; and May 20, 8:00 a.m., Room 210, Farnum Building (373-1801)

**General Government** - Tuesdays, May 11 and May 18, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**History, Arts, and Libraries** - Thursdays, May 6 and May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building; and Tuesday, May 11, 5:00 p.m., Epic Center, 359 South Kalamazoo Mall, Wellspring Theatre, Kalamazoo (373-0793)

**State Police and Military Affairs** - Tuesday, May 11, 3:00 p.m., Room 405, Capitol Building (373-5932)

**State Police and Military Affairs and House State Police/Military and Veterans Affairs** - Thursday, May 13, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

**Transportation Department** - Tuesdays, May 11 and May 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, May 5, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, May 6, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Families and Human Services** - Tuesday, May 11, 3:00 p.m., Room 210, Farnum Building (373-1801)

**Finance** - Wednesday, May 5, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, May 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

**Technology and Energy** - Wednesday, May 5, 3:00 p.m., Room 210, Farnum Building (373-7350)

**Transportation** - Tuesday, May 11, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:22 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, May 5, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate