

No. 57
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, June 8, 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 present.

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

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

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

Reverend Robert Smith of New Bethel Baptist Church of Detroit offered the following invocation:

Dear Lord, teach us to serve Thee as Thou deserves, to toil and seek no rest, to fight and heed not the wounds; give and count not the cost to labor and ask no reward. Save that of Thou divine presence. Enable, equip, and endow those who are responsible here with liberty, justice, and fairness to all through the law. In Thou name, Amen.

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

Motions and Communications

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

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

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

The following communication was received:
Department of State

Administrative Rules Notice of Filing

May 24, 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 2:55 p.m. this date, administrative rule (04-05-05) for the Department of Environmental Quality, Geological and Land Management Division, entitled "*Mineral Wells*," effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

June 3, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Bureau of Driver Safety, Department of State.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 3:
House Bill Nos. 5709 5710 5711 5865 5866

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 3, for her approval the following bills:

Enrolled Senate Bill No. 977 at 2:52 p.m.
Enrolled Senate Bill No. 1009 at 2:54 p.m.
Enrolled Senate Bill No. 1160 at 2:56 p.m.
Enrolled Senate Bill No. 1179 at 2:58 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, June 7, for her approval the following bill:

Enrolled Senate Bill No. 918 at 2:54 p.m.

The Secretary announced that the following official bills were printed on Thursday, June 3, and are available at the legislative Web site:

Senate Bill Nos. 1277 1278 1279 1280 1281 1282 1283 1284 1285
House Bill No. 5970

The Secretary announced that the following official bills were printed on Friday, June 4, and are available at the legislative Web site:

Senate Bill No. 1286
House Bill Nos. 5971 5972 5973 5974 5975

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

June 4, 2004

Pursuant to Senate Rule 3.203c, I am hereby re-referring Senate Bill 1285 from the Senate Appropriations Committee to the Senate Commerce and Labor Committee.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5502
House Bill No. 5503
House Bill No. 5504
House Bill No. 5505

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

Senators Sanborn, Cassis and Goschka entered the Senate Chamber.

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863

Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
The motion prevailed.

The following messages from the Governor were received:

Date: June 3, 2004
Time: 9:05 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 221 (Public Act No. 129), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 43510 and 43516 (MCL 324.43510 and 324.43516), section 43510 as amended by 1996 PA 585 and section 43516 as added by 1995 PA 57.

(Filed with the Secretary of State on June 3, 2004, at 9:58 a.m.)

Date: June 3, 2004
Time: 9:09 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 979 (Public Act No. 131), being

An act to amend 1990 PA 187, entitled “An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties,” by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

(Filed with the Secretary of State on June 3, 2004, at 10:02 a.m.)

Date: June 3, 2004
Time: 9:11 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 982 (Public Act No. 132), being

An act to amend 1966 PA 298, entitled “An act to establish and provide a board of civil service commissioners for sheriffs’ departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

(Filed with the Secretary of State on June 3, 2004, at 10:04 a.m.)

Date: June 3, 2004
Time: 9:13 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 985 (Public Act No. 133), being

An act to amend 1935 PA 78, entitled “An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire

fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

(Filed with the Secretary of State on June 3, 2004, at 10:06 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on June 3, 2004, and read:

EXECUTIVE ORDER
No. 2004-31

State Americans with Disabilities Act Coordinator

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided in the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible to take care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor shall transact all necessary business with the officers of state government and may require information in writing from all executive administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices;

WHEREAS, under Section 10 of Article V of the Michigan Constitution of 1963, the Governor shall have the power and it shall be the duty of the Governor to inquire into the condition and administration of any public office;

WHEREAS, in Michigan there are approximately 1.9 million persons with disabilities;

WHEREAS, it has long been the policy of the State of Michigan and this Governor to ensure that all persons, including those persons with disabilities, are given equal participation opportunities in all aspects of public life;

WHEREAS, the federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213 (“ADA”) prohibits discrimination against a qualified individual with a disability on the basis of the disability;

WHEREAS, under the ADA, a qualified individual may not be excluded from participating in, or be denied the benefits of any program, service, or activity offered by the State of Michigan;

WHEREAS, the polices embodied in the ADA are also reflected in Michigan law, including the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607;

WHEREAS, the State of Michigan’s compliance with state and federal laws protecting the rights of persons with disabilities can be enhanced through better coordination of the development and implementation of public policy and the design and delivery of services and assistance for persons with disabilities;

WHEREAS, it is in the interest of efficient administration to designate one state official with the responsibility of facilitating executive branch compliance with the ADA and other laws protecting the rights of persons with disabilities;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor under the Michigan Constitution of 1963 and Michigan law, order the following:

I. ESTABLISHMENT OF STATE ADA COORDINATOR

A. The Governor shall designate a state employee or officer within the executive branch of state government as the State ADA Coordinator.

B. The State ADA Coordinator shall be responsible for coordinating, on behalf of the Governor, programs, activities, and services of all state departments and agencies within the executive branch related to compliance with state and federal disability rights laws, including, but not limited to, each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.
2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.
3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

C. Except as provided in Section I.D, the State ADA Coordinator shall:

1. Serve as the State of Michigan’s primary liaison with state departments and agencies on compliance issues with state and federal disability rights laws.
2. Provide information and technical assistance to departments and agencies related to compliance with state and federal disability rights laws.
3. Identify resources and best practices for compliance.
4. Provide guidance to departments and agencies to assist in assuring that public activities sponsored by the executive branch of state government, including but not limited to, meetings, training sessions, workshops, conferences, departmental functions, and public hearings, are accessible.

5. Facilitate the education and training of state employees and officers on issues relating to compliance with the ADA and other disability issues.

6. Coordinate and collaborate with Departmental ADA Coordinators designated under Section II on disability rights and accessibility issues.

7. Communicate to interested individuals information regarding compliance with state and federal disability rights laws, including contact information for the Departmental ADA Coordinators designated under Section II.

8. Advise the Governor, the Director of the Department of Civil Rights, and the Office of the State Employer on issues relating to compliance with state and federal disability laws.

9. Represent the Governor at hearings, conferences, and proceedings involving disability issues.

10. Provide other assistance and advice on disability issues, as requested by the Governor.

D. The Office of the State Employer shall retain primary responsibility for compliance with state and federal disability rights laws on matters relating to state employment. The Office of the State Employer and the State ADA Coordinator shall coordinate their implementation of this Order.

E. Nothing in this Order shall be construed to modify the responsibilities of the Civil Service Commission under Section 5 of Article XI of the Michigan Constitution of 1963, the Civil Rights Commission under Section 29 of Article V of the Michigan Constitution of 1963, or the Civil Rights Commission or Department of Civil Rights under the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

II. DESIGNATION OF DEPARTMENTAL ADA COORDINATORS

A. The director of each department of state government shall designate a Departmental ADA Coordinator as the primary coordinator of departmental compliance with state and federal disability rights laws, including, but not limited to each of the following:

1. The federal Americans with Disabilities Act of 1990, 42 USC 12101 to 12213.

2. Section 504 of the federal Rehabilitation Act of 1973, 29 USC 794.

3. The Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.

B. Each Departmental ADA Coordinator shall cooperate and coordinate efforts with the State ADA Coordinator.

III. ASSISTANCE OF DEPARTMENTS AND AGENCIES

A. Departments and agencies shall assist the State ADA Coordinator in implementing the requirements of this Order.

B. The Department of Civil Rights, Office of the State Employer, the Office of Rehabilitation Services within the Department of Labor and Economic Growth, the Commission for the Blind, the Commission on Disability Concerns and its Division on Deaf and Hard of Hearing shall provide support and technical assistance to the State ADA Coordinator in meeting the requirements of this Order.

C. The Department of Civil Rights shall provide the State ADA Coordinator and Departmental ADA Coordinators with information on state and federal disability rights laws, including updates on changes in the law and court decisions.

D. The Office of the State Employer shall provide Departmental ADA Coordinators with guidance, training, education, and technical assistance on workplace accommodations for employees with disabilities. These activities will be conducted in cooperation with the State ADA Coordinator.

IV. RESCISSIONS

A. Executive Directive 1987-1 is rescinded in its entirety.

B. Executive Order 1988-11 is rescinded in its entirety, the requirements under that order having been satisfied.

V. MISCELLANEOUS

A. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

Given under my hand and the Great Seal of the State of Michigan this 3rd day of June, in the year of our Lord, two thousand and four.

Jennifer M. Granholm
Governor

[SEAL]

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

Messages from the House

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

Senate Bill No. 267

The motion prevailed.

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406l.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senators Leland and Thomas entered the Senate Chamber.

Senate Bill No. 626, entitled

An act to amend 1964 PA 208, entitled “An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program,” by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

(Enrollment was vacated on June 2. See Senate Journal No. 55, p. 998.)

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was concurred in.

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

Senator Hammerstrom moved to reconsider the vote by which the House substitute was concurred in.

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

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

Senator Van Woerkom offered the following amendment to the substitute:

1. Amend page 1, line 4, after “is” by striking out the balance of the line through “**instruction**” on line 5 and inserting “**an eligible postsecondary institution under rules promulgated by the Michigan higher education assistance authority**”.

The amendment to the substitute was 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. 356**Yeas—36**

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

Nays—0**Excused—1**

Toy

Not Voting—1

Emerson

In The Chair: President

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.

(This bill was returned from the House without amendment on June 2 and the recommendation for immediate effect postponed. See Senate Journal No. 55, p. 999.)

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

The recommendation was concurred in, 2/3 of the Senators 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.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1194, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2003 PA 236 and section 17b as amended by 2000 PA 297.

Substitute (S-1).

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

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1194

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

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

Senate Bill No. 1194**Senate Bill No. 1244****Senate Bill No. 1261****Senate Bill No. 1262****Senate Bill No. 1263**

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1194, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2003 PA 236.

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. 357**Yeas—37**

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Hardiman
Jacobs
Jelinek

Prusi
Sanborn
Schauer

| | | | |
|----------|-------------|-----------|-------------|
| Bernero | Emerson | Johnson | Scott |
| Birkholz | Garcia | Kuipers | Sikkema |
| Bishop | George | Leland | Stamas |
| Brater | Gilbert | McManus | Switalski |
| Brown | Goschka | Olshove | Thomas |
| Cassis | Hammerstrom | Patterson | Van Woerkom |
| Cherry | | | |

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1244, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” (MCL 700.1101 to 700.8102) by adding section 3619.

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. 358

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hammerstrom moved that the following bill be given immediate effect:

Senate Bill No. 1194

On which motion Senator Hammerstrom requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 359

Yeas—36

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

Nays—0

Excused—1

Toy

Not Voting—1

Scott

In The Chair: President

The following bill was read a third time:

Senate Bill No. 1261, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 6111 (MCL 500.6111), as added by 1992 PA 174.

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. 360

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1262, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 422 (MCL 330.1422), as added by 1995 PA 290.

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. 361

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1263, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1 of chapter IV (MCL 764.1), as amended by 1990 PA 41.

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. 362

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

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

House Bill No. 5730, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 517 (MCL 436.1517).

House Bill No. 5647, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1 and 3 of chapter XI (MCL 771.1 and 771.3), section 1 as amended by 2002 PA 666 and section 3 as amended by 2003 PA 101.

House Bill No. 5674, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 4a, 16a, and 31 of chapter IX and section 56 of chapter XVII (MCL 769.4a, 769.16a, 769.31, and 777.56), section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, and section 56 of chapter XVII as added by 1998 PA 317.

House Bill No. 5716, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 6 and 18 of chapter XHIA (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2004 PA 102.

House Bill No. 5928, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 350a and 430 (MCL 750.350a and 750.430), section 350a as amended by 1996 PA 14 and section 430 as amended by 2003 PA 235.

House Bill No. 5932, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2002 PA 694.

Senate Bill No. 1201, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 3 (MCL 125.1653), as amended by 1993 PA 323.

Senate Bill No. 1202, entitled

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

House Bill No. 5008, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226 and 802 (MCL 257.226 and 257.802), as amended by 2003 PA 152.

House Bill No. 5273, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 7c (MCL 480.17c), as amended by 2002 PA 118.

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

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

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

Senate Bill No. 831, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 97. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 832, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109h. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5731, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 517a.

Substitute (S-3).

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

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

House Bill No. 5494, entitled

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.

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

1. Amend page 3, line 15, after "commission" by inserting "appointed under subsection (1)(c)".
2. Amend page 3, line 18, after "appointment." by inserting "The governor may remove a member of the commission for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause."
3. Amend page 3, line 22, after "section 5." by inserting "At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate."
4. Amend page 4, following line 4, by inserting:

"(5) Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission."

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

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

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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, line 3, after "**park**" by inserting "**without a permit**".

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

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

House Bill No. 5502, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328, section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

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

1. Amend page 73, line 15, after "effect" by striking out "July 1, 2004" and inserting "September 1, 2004".

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

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

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

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

1. Amend page 75, line 23, after "effect" by striking out "July 1, 2004" and inserting "September 1, 2004".

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

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

House Bill No. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

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

1. Amend page 6, line 23, after "effect" by striking out "July 1, 2004" and inserting "September 1, 2004".

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

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

Senate Bill No. 1133, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 20510, 20511, 20512, and 20513.

Substitute (S-4).

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

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

Senate Bill No. 1135, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 205.

Substitute (S-5).

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Gilbert introduced

Senate Bill No. 1287, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 210 and 211a (MCL 750.210 and 750.211a), as amended by 2003 PA 257.

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

Senator Van Woerkom introduced

Senate Bill No. 1288, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16k of chapter XVII (MCL 777.16k), as amended by 2001 PA 136.

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

Senator George introduced

Senate Bill No. 1289, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2855a (MCL 333.2855a), as added by 2003 PA 322.

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

House Bill No. 5709, entitled

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

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 Agriculture, Forestry and Tourism.

House Bill No. 5710, 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 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 Agriculture, Forestry and Tourism.

House Bill No. 5711, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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 Agriculture, Forestry and Tourism.

House Bill No. 5865, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

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

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

House Bill No. 5866, entitled

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

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

Statements

Senators Scott and Goschka 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:

I have a good working and professional relationship with my insurance agent and have had several conversations with him about the rising costs of auto and homeowners insurance, as well as the alarming rate disparities, particularly in our urban areas. In fact, I have invited him to my office on more than one occasion as I continue working to develop meaningful legislation that will provide some relief for Michigan ratepayers. I value his input, and though I may not always agree with all of his recommendations, ideas, or suggestions, I believe it is important for me to fully understand our state's insurance system from the industry's standpoint. Certainly, Michigan's no-fault system is unique.

I was intrigued when my agent shared with me a couple of recent articles describing how auto insurers in two states—Ohio and Texas—were cutting premiums, or at best, holding rates steady. And I do have a copy of those. Ohio, after years of increases, the state's largest insurers cut premiums in March an average of 4.1 percent. And in Texas, insurers have cut rates roughly 2 percent. The reasons given for lowering rates were claims per policy are falling; with many homes having two cars, each vehicle is driven fewer miles, which reduces claim risk; technology that allows a company to better analyze their business by state and region, allowing companies to make targeted decisions about rates; cutting internal costs; and safer, more durable cars, which contributes to lower claims.

But the competition factor that was described intrigued me the most. The articles explain the importance of the competitive factors has setting rates. If one company lowers rates, it is anticipated that others will follow.

Certainly, I understand that insurance systems vary from state to state, but as I continue to work on this very important issue, I will be ever mindful of the factors described in these articles and how residents of some states are now enjoying a reduction in their insurance premiums—something that I want to see happen here for the citizens of Michigan.

Senator Goschka's statement is as follows:

I would like to speak briefly in honor of our fallen former President, Ronald Reagan. I remember growing up in a household where my parents were not active politically, but they certainly were voters. And as I got older, I began to look more and more at issues.

In working on the line, as I did as a United Food and Commercial worker, I remember the indelible imprint that Ronald Reagan made on me; just as a line worker at the former Pete Packaging Company in Chesaning and the way he had such influence with people with whom I worked and throughout my community.

I will say that I believe that one of the greatest Americans who ever lived was Ronald Wilson Reagan. I appreciated him greatly for his optimism, for his love of country. I remember as a young man in my twenties thinking perhaps that America had seen its best days. I think a lot of Americans thought that; but Ronald Wilson Reagan came along and taught us that we hadn't seen anything yet; but that America had not seen its greatest days.

And I, for one, appreciated his leadership, his principles, and his example. I know for many people, whether they were on one side of the aisle or the other, certainly he was a man of many respects to respect. I will say that I loved Ronald Reagan.

I consider myself in many respects a Reagan Democrat. He defined in so many of us what principle is and what values are. I, for one, will always appreciate the leader that Ronald Regan was in my life and the example that he set for me and the fire that he put in me that has never gone out. We will not forget this man. We've had several great leaders. Ronald Reagan is one of them. I am thankful for the fact that our 40th President, Ronald Reagan, served eight years, had wonderful service, always stood for what he believed, and was indeed the great communicator.

Committee Reports

The Committee on Economic Development, Small Business and Regulatory Reform reported
House Bill No. 5148, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9501 and 9525 (MCL 440.9501 and 440.9525), section 9501 as amended and section 9525 as added by 2000 PA 348.

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
Senate Bill No. 1260, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14g of chapter XVII (MCL 777.14g), as added by 2002 PA 29.

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

1. Amend page 1, line 9, after "**fraudulent**" by striking out "**financial**" and inserting "**financing**".

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.

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

House Bill No. 5643, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 77 (MCL 208.77), as amended by 1999 PA 115.

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

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

Alan Sanborn

Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

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

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

Senate Bill No. 1274, entitled

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

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 and Gilbert

Nays: Senators Jacobs and Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, June 2, 2004, at 3:07 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Finance reported

House Bill No. 4234, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j.

With the recommendation that the bill pass.

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

Nancy Cassis

Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and McManus

Nays: Senator Brater

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5502, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 3a, 4, 4a, 4d, 4f, 4o, 5, 6, 6a, 8, 9, 9a, 10, 11, and 14 (MCL 205.92, 205.93, 205.93a, 205.94, 205.94a, 205.94d, 205.94f, 205.94o, 205.95, 205.96, 205.96a, 205.98, 205.99, 205.99a, 205.100, 205.101, and 205.104), sections 2 and 4 as amended by 2002 PA 669, section 3 as amended by 2003 PA 27, section 3a as amended by 2002 PA 455, section 4d as amended by 2000 PA 328,

section 4f as amended by 1998 PA 266, sections 4o, 8, and 9a as added by 1999 PA 117, section 5 as amended by 2002 PA 580, section 6 as amended by 2003 PA 24, section 6a as added by 2002 PA 511, section 10 as amended by 1998 PA 366, section 11 as added by 2000 PA 153, and section 14 as amended by 1986 PA 41, and by adding sections 2b, 3c, 12, 13, 14a, 14b, 17, 19, and 20; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 2a, 3, 4, 4a, 4e, 4f, 4g, 4i, 4j, 4k, 4m, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 4w, 4x, 5b, 6, 8, 9, 10, 17, and 23 (MCL 205.51, 205.52, 205.52a, 205.53, 205.54, 205.54a, 205.54e, 205.54f, 205.54g, 205.54i, 205.54j, 205.54k, 205.54m, 205.54o, 205.54p, 205.54q, 205.54r, 205.54s, 205.54t, 205.54u, 205.54w, 205.54x, 205.55b, 205.56, 205.58, 205.59, 205.60, 205.67, and 205.73), section 1 as amended by 2000 PA 390, sections 2 and 23 as amended by 1993 PA 325, section 2a as added by 1984 PA 228, section 3 as amended by 2002 PA 457, section 4 as amended by 1998 PA 267, sections 4a, 4j, and 4q as amended and sections 4r, 4t, 4u, and 4w as added by 1999 PA 116, section 4g as amended by 2000 PA 417, section 4i as added by 1982 PA 23, section 4k as added by 1986 PA 42, section 4m as added by 1993 PA 238, section 4o as added by 1994 PA 156, section 4p as added by 1998 PA 274, section 4s as added by 1999 PA 105, section 4x as amended by 2001 PA 40, section 5b as added by 2002 PA 510, section 6 as amended by 1998 PA 453, section 9 as amended by 1998 PA 365, section 10 as added by 2000 PA 149, and section 17 as amended by 2001 PA 102, and by adding sections 1a, 4d, 4h, 6b, 11, 12, 18, 19, 20, and 21; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5504, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state officials and state departments.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5505, entitled

A bill to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales

tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 2, 2004, at 2:18 p.m., Room 110, Farnum Building

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

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, June 2, 2004, at 3:00 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, June 10, 8:30 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, June 10, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-2417)

Economic Development, Small Business and Regulatory Reform - Wednesday, June 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7670)

Education - Thursday, June 10, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, June 9, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, June 9, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:46 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, June 9, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate