

No. 79
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, August 4, 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—present
Van Woerkom—present

Senator Michael Prusi of the 38th District offered the following invocation:

Each day people of many faiths acknowledge our Creator and the blessings bestowed on humankind. With these blessings we are also given trials that test our faith. We thank You for giving us the means to meet the trials and tests that face our state today.

You have given us intelligence, reason, and resolve. Let us use these gifts to serve the people who have entrusted us to lead during these troubled times. You have given us compassion and an enormous capacity to love—to love not only our families and friends, but to love You and all of Your creation.

Bring to us today the wisdom to take all of Your gifts and use them in humble service to all of Michigan's people. Amen.

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

Motions and Communications

Senators Barcia and Bishop entered the Senate Chamber.

Recess

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

11:10 a.m.

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

During the recess, Senators Leland, Scott, Johnson, Brater, Garcia and Goschka entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Messages from the House

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The House of Representatives has nonconcurrent in the Senate substitute (S-9) and appointed Reps. Rick Johnson, Julian and Daniels as conferees.

The message was referred to the Secretary for record.

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The House of Representatives has appointed Rep. Byrum to replace Rep. Daniels as conferee.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Resolution No. 285

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

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following concurrent resolution:

House Concurrent Resolution No. 63.

A concurrent resolution to increase the total project cost of the Roll Building Renovation project at Kellogg Community College.

The motion prevailed, a majority of the members serving voting therefor, and the concurrent resolution was placed on the order of Resolutions.

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 5876

The motion prevailed.

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

July 8, 2004

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committee on House Bill 4612:
Senator Sikkema, Senator Stamas and Senator Emerson

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

June 25, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Consumer and Industry Services for the period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Community Health for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Corrections for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Education for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Environmental Quality for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Military and Veterans Affairs for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Natural Resources for the audit period October 1, 2001 through September 30, 2003.

June 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Department of State Police for the audit period October 1, 2001 through September 30, 2003.

July 13, 2004

Enclosed is a copy of the following audit report:

Performance audit of the University House Project, Eastern Michigan University.

July 22, 2004

Enclosed is a copy of the following audit report:

Performance audit of Mound Correctional Facility, Department of Corrections.

July 27, 2004

Enclosed is a copy of the following audit report:

Performance audit of Human Resources Management Network (HRMN) Self-Service, Department of Civil Service.

July 30, 2004

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Family Independence Agency for the period October 1, 2000 through September 30, 2002.

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

The communications were referred to the Secretary for record.

The following communications were received:

Public Service Commission

June 28, 2004

As provided by 1939 PA 3, as amended, the Michigan Public Service Commission hereby reports the status of the steam rate case of Detroit Thermal, LLC, Case No. U-13691.

In its September 26, 2003 application, Detroit Thermal requested authority to implement initial default tariffed rates for the provision of steam service in the City of Detroit, Michigan. The nine-month statutory time-period was reached on June 10, 2004.

Effective January 24, 2003, Thermal Ventures II LP of Youngstown, Ohio, acquired the assets of the Detroit Edison Company's district steam heating system that serves portions of the City of Detroit. Thermal Ventures established Detroit Thermal as a Michigan-based company to own and operate the acquired districting heating system. Because Detroit Thermal is a new company, it prepared and filed its case based on a very limited amount of actual experience. As a result, there has been a very lengthy but necessary discovery process, and only now has Detroit Thermal been able to produce its actual operating costs after one full year of operation. This has resulted in the case exceeding the nine-month statutory time-period.

Hearings on the case were held June 15 through 17, 2004 with 12 parties participating. The hearing is scheduled to conclude on July 8, 2004. The parties will then prepare and file initial and reply briefs. The presiding Administrative Law Judge will be issuing a Proposal for Decision in mid-September of 2004. The Commission will prioritize consideration of this matter and issue a final order shortly thereafter.

July 8, 2004

As provided by Section 6a(3) of 1939 PA 3, as amended, MCL 460.6a(3), this letter constitutes the Michigan Public Service Commission's report on the status of the gas rate increase application of Michigan Consolidated Gas Company, Case No. U-13898.

The September 30, 2003 application request that existing rates be adjusted to provide additional revenue totaling not less than \$193.6 million annually, effective January 1, 2005. The nine-month statutory period established by MCL 460.6a(3) was reached on June 30, 2004. Case No. U-13898 is a major rate case litigated by nine parties with many complex issues to be addressed and resolved. As a result, its schedule has exceeded nine months from the date of its filing.

Hearings regarding the utility's request for partial and immediate rate relief were completed on May 24, 2004 and the parties finished briefing that matter on June 30, 2004. The commission will therefore be issuing its interim order shortly. Hearings on the case in chief will commence August 23, 2004 and the evidentiary record should be closed by September 3, 2004. The parties will then prepare and file initial and reply briefs, and the presiding Administrative Law Judge will seek to issue a proposal for decision in November 2004. The commission will prioritize its consideration of this matter and issue a final order shortly thereafter.

Very truly yours,
J. Peter Lark, Chair
Robert B. Nelson, Commissioner
Laura Chappelle, Commissioner

The communications were referred to the Secretary for record.

The following communication was received:
Department of Labor and Economic Growth

July 1, 2004

In accordance with Public Act 304 of 1982, the attached 2003 Annual Report for the Michigan Utility Consumer Representation Fund is transmitted to the Legislature.

The state's six largest utilities were required, under this Act, to contribute a total of \$981,150 to fund intervention participation in cost increase and reconciliation cases filed by utilities with the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is available for administrative costs.

The Utility Consumer Participation Board grant recipients reported disallowed costs by the Michigan Public Service Commission for 2003 in the amount of \$93,035,177. This action was a result of intervention efforts either by grantees alone, or in conjunction with other parties. The Utility Consumer Participation Board awarded \$305,273 for calendar year 2003. The Attorney General's Office expended \$403,068 in calendar year 2003 for intervention by that Office on behalf of the utility ratepayers of Michigan.

David C. Hollister
Director

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

July 7, 2004

The 2003 Michigan Annual Drunk Driving Audit provides detailed information concerning the ongoing efforts to reduce drunk driving in our state. Alcohol related crashes and fatalities remain a significant traffic safety issue, with approximately 34 percent of our state's fatal crashes involving alcohol.

The Michigan Annual Drunk Driving Audit was compiled with information and data provided by the Michigan Department of State, the Michigan Department of Transportation and the Michigan State Police. We appreciate the teamwork, assistance and dedication of each of these departments in helping to make Michigan's roads safe. We look forward to our continued partnership.

Questions regarding Section I (Traffic Crash and Arrest Data) should be directed to the Criminal Justice Information Center, Traffic Crash Reporting Section at 517/322-1150. Questions regarding Section II (Conviction Disposition Data) should be directed to the Michigan Department of State at 517/322-1598.

As you review this report, please feel free to contact the Traffic Crash Reporting Section at 517/322-1150 with your suggestions and ideas.

Col. Tadarial J. Sturdivant
Director

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

July 15, 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 3:48 p.m. this date, administrative rule (04-07-02) for the Department of Community Health, Office of the State Registrar, entitled "*Cancer Reporting*," effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

The following communication was received:
Department of Corrections

July 22, 2004

Michigan Compiled Laws 791.220g requires the Department of Corrections to report to the Senate and House committees responsible for legislation concerning corrections and to the Clerk of the House of Representatives and the Secretary of Senate, on the operation of the Michigan Youth Correctional Facility. Attached is a copy of that report as required by statute.

If you have any questions regarding this report, or request additional information, please feel free to contact me.

Heidi Washington
Administrative Assistant

The communication was referred to the Secretary for record.

The following communication was received:
Office of Financial and Insurance Services

July 28, 2004

The Annual Report, presented to Governor Granholm and prepared pursuant to Section 238 of the Michigan Insurance Code of 1956, 1956 PA 218, MCL 500.238 and Section 2108 of the Michigan Banking Code of 1999, 1999 PA 276, MCL 487.12108, is a valuable reference for information about regulated entities engaged in the business of insurance, banking and securities in Michigan. It is more than just a statistical report, however. We offer updates about each of our areas of the agency, a summary of legislative activity, and descriptions of changes in the status of the entities we regulate.

This annual report is also available on the Office of Financial and Insurance Services (OFIS) web site at www.michigan.gov/ofis under "Publications."

Linda A. Watters
Commissioner

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 Tuesday, July 6:
House Bill Nos. 6008 6009 6010 6033 6034

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, July 7:
House Bill Nos. 5311 5338 5905

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Thursday, July 15:

House Bill Nos. 4817 5055 5417 5870 5906 5907 5971 6028 6047 6061 6074
House Joint Resolution Z

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 6, for her approval the following bill:

Enrolled Senate Bill No. 1240 at 10:24 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, July 9, for her approval the following bills:

Enrolled Senate Bill No. 599 at 1:47 p.m.
Enrolled Senate Bill No. 831 at 1:49 p.m.
Enrolled Senate Bill No. 832 at 1:52 p.m.
Enrolled Senate Bill No. 1025 at 1:54 p.m.
Enrolled Senate Bill No. 1167 at 1:56 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 13, for her approval the following bills:

Enrolled Senate Bill No. 998 at 11:32 a.m.
Enrolled Senate Bill No. 999 at 11:34 a.m.
Enrolled Senate Bill No. 1000 at 11:36 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, July 14, for her approval the following bill:

Enrolled Senate Bill No. 1135 at 2:43 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, July 15, for her approval the following bills:

Enrolled Senate Bill No. 1116 at 2:32 p.m.
Enrolled Senate Bill No. 1209 at 2:34 p.m.
Enrolled Senate Bill No. 1222 at 2:36 p.m.
Enrolled Senate Bill No. 1223 at 2:38 p.m.
Enrolled Senate Bill No. 1208 at 2:40 p.m.
Enrolled Senate Bill No. 1211 at 2:42 p.m.
Enrolled Senate Bill No. 1214 at 2:44 p.m.
Enrolled Senate Bill No. 1224 at 2:46 p.m.
Enrolled Senate Bill No. 1216 at 2:48 p.m.
Enrolled Senate Bill No. 1230 at 2:50 p.m.
Enrolled Senate Bill No. 1231 at 2:52 p.m.
Enrolled Senate Bill No. 1234 at 2:54 p.m.
Enrolled Senate Bill No. 1215 at 2:56 p.m.

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

Senate Bill Nos. 1337 1338 1339
House Bill Nos. 6066 6067 6068 6069 6070 6071 6072 6073 6074 6075 6076 6077 6078

The Secretary announced that the following official bills were printed on Thursday, July 15, and are available at the legislative Web site:

House Bill Nos. 6079 6080 6081 6082

The Secretary announced that the following official bills were printed on Thursday, July 22, and are available at the legislative Web site:

House Bill Nos. 6083 6084 6085 6086 6087 6088 6089 6090 6091 6092 6093 6094 6095 6096
6097 6098

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

Senator Switalski introduced
Senate Bill No. 1340, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 2004 PA 82 and by adding section 11a; and to repeal acts and parts of acts.

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

Senators Birkholz and Garcia introduced

Senate Bill No. 1341, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

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

Senators Schauer and Emerson introduced

Senate Bill No. 1342, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 3 (MCL 484.3103).

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

Senators Schauer and Emerson introduced

Senate Bill No. 1343, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 2 (MCL 484.3102).

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

Senator Hammerstrom introduced

Senate Bill No. 1344, entitled

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

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

House Joint Resolution Z, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding sections 40, 41, and 42 to article IX, to provide for the establishment of the Michigan conservation and recreation legacy fund, the Michigan game and fish protection trust fund, and the Michigan nongame fish and wildlife trust fund.

The House of Representatives has adopted the joint resolution by a 2/3 vote.

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

House Bill No. 4817, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending sections 41 and 44 (MCL 565.41 and 565.44).

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 Banking and Financial Institutions.

House Bill No. 5055, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9112 (MCL 324.9112), as amended by 2000 PA 504.

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. 5311, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

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

House Bill No. 5338, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912d (MCL 600.2912d), as amended by 1993 PA 78.

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 Commerce and Labor.

House Bill No. 5417, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

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 Families and Human Services.

House Bill No. 5870, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 301, 502, 503, 1604, 1609, 1902, 12115, 40114, 40119, 41711, 42506, 42712, 43504, 43546, 43553, 43556, 43557, 43701, 43702, 43703, 43901, 43902, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, 64108, 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78101, 78105, 78110, 78111, 78115, 78503, 79114, 80104, 80115, 80118, 80119, 81101, 81110, 81117, 81119, 81130, 81147, 82101, 82102a, 82106, 82109, 82110, 82111, 82118, 83101, 83103, 83104, and 83106 (MCL 324.301, 324.502, 324.503, 324.1604, 324.1609, 324.1902, 324.12115, 324.40114, 324.40119, 324.41711, 324.42506, 324.42712, 324.43504, 324.43546, 324.43553, 324.43556, 324.43557, 324.43701, 324.43702, 324.43703, 324.43901, 324.43902, 324.43903, 324.44104, 324.44105, 324.44501, 324.44511, 324.44518, 324.45705, 324.45907, 324.47303, 324.47332, 324.48737, 324.48740, 324.64108, 324.71101, 324.71106, 324.71108, 324.74101, 324.74108, 324.74114, 324.74122, 324.78101, 324.78105, 324.78110, 324.78111, 324.78115, 324.78503, 324.79114, 324.80104, 324.80115, 324.80118, 324.80119, 324.81101, 324.81110, 324.81117, 324.81119, 324.81130, 324.81147, 324.82101, 324.82102a, 324.82106, 324.82109, 324.82110, 324.82111, 324.82118, 324.83101, 324.83103, 324.83104, and 324.83106), section 502 as amended by 2002 PA 148, section 503 as amended by 1998 PA 419, sections 1604 and 1609 as added by 1995 PA 60, section 1902 as amended by 2002 PA 52, sections 40114, 40119, 41711, 42712, 43504, 43557, 43901, 43903, 44104, 44105, 44501, 44511, 44518, 45705, 45907, 47303, 47332, 48737, 48740, and 64108 as added by 1995 PA 57, section 42506 as amended by 2002 PA 356, sections 43546, 43553, and 43556 as amended by 1996 PA 585, sections 43701, 43702, and 43703 as amended by 2001 PA 50, section 43902 as amended by 2002 PA 55, sections 71101, 71106, 71108, 74101, 74108, 74114, 74122, 78105, 78111, 78503, 79114, 80118, 80119, 81110, 81119, 82102a, and 82111 as added by 1995 PA 58, section 78101 as amended by 1998 PA 210, sections 78110 and 78115 as amended by 2003 PA 19, section 80104 as amended by 1997 PA 102, section 80115 as amended by 2003 PA 292, sections 81101, 81117, and 81130 as amended by 2003 PA 111, section 81147 as amended by 1996 PA 175, sections 82101, 82106, and 82109 as amended by 2003 PA 230, section 82110 as amended by 2001 PA 16, section 82118 as amended by 2001 PA 15, and sections 83101, 83103, 83104, and 83106 as added by 1998 PA 418, and by amending the headings to parts 437, 439, and 711 and by adding part 20; 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 Natural Resources and Environmental Affairs.

House Bill No. 5905, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912e (MCL 600.2912e), as amended by 1993 PA 78.

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 Commerce and Labor.

House Bill No. 5906, entitled

A bill to allow governing boards of certain public bodies to create law enforcement agencies and grant certain powers and authority to law enforcement officers employed by those agencies; to require those law enforcement officers to meet certain standards; to prescribe certain powers and duties of those law enforcement agencies; to provide for certain powers of public bodies; and to provide for certain powers and duties of state and local agencies and officers.

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

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

House Bill No. 5907, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2001 PA 186 and section 9 as amended by 1998 PA 237.

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

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

House Bill No. 5971, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2000 PA 318.

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

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

House Bill No. 6008, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 45 of chapter X (MCL 710.45), as amended by 1996 PA 409.

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

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

House Bill No. 6009, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

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

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

House Bill No. 6010, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 21a, 22, 23a, 23d, 24, and 24a of chapter X (MCL 710.21a, 710.22, 710.23a, 710.23d, 710.24, and 710.24a), section 21a as added by 1982 PA 72, sections 22, 24, and 24a as amended by 1996 PA 409, section 23a as amended by 1994 PA 373, and section 23d as amended by 2004 PA 68.

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

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

House Bill No. 6028, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 761 (MCL 168.761), as amended by 1996 PA 207.

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 Government Operations.

House Bill No. 6033, entitled

A bill to create the Ronald Wilson Reagan memorial monument fund; and to prescribe the purpose of the monument fund.

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. 6034, entitled

A bill to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial 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.

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. 6047, entitled

A bill to amend 2003 PA 226, entitled "Joint municipal planning act," by amending section 5 (MCL 125.135).

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. 6061, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; 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.

Senator Hammerstrom moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6074, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20113, 21506, 21508, 21546, 21548, and 21550 (MCL 324.20113, 324.21506, 324.21508, 324.21546, 324.21548, and 324.21550), section 20113 as amended by 1996 PA 383, sections 21506 and 21508 as amended by 1995 PA 269, sections 21546 and 21548 as amended by 1996 PA 181, and section 21550 as amended by 1995 PA 252, and by adding section 21552; 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.

By unanimous consent the Senate returned to the order of

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867

Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
Senate Bill No. 320

The motion prevailed.

The following messages from the Governor were received:

Date: July 8, 2004
Time: 9:01 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 988 (Public Act No. 187), being

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

(Filed with the Secretary of State on July 8, 2004, at 9:42 a.m.)

Date: July 8, 2004
Time: 9:03 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1191 (Public Act No. 188), being

An act to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments,” by amending section 49 (MCL 338.2249), as amended by 2003 PA 87.

(Filed with the Secretary of State on July 8, 2004, at 9:44 a.m.)

Date: July 8, 2004
Time: 9:19 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1240 (Public Act No. 196), being

An act 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 sections 1 and 7 (MCL 125.1651 and 125.1657), section 1 as amended by 2004 PA 158 and section 7 as amended by 1985 PA 221.

(Filed with the Secretary of State on July 8, 2004, at 10:00 a.m.)

Date: July 21, 2004
Time: 7:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 998 (Public Act No. 224), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof;

the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding chapter 10A.

(Filed with the Secretary of State on July 21, 2004, at 10:36 a.m.)

Date: July 21, 2004

Time: 7:27 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 999 (Public Act No. 225), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

(Filed with the Secretary of State on July 21, 2004, at 10:38 a.m.)

Date: July 21, 2004

Time: 7:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1000 (Public Act No. 226), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 13 and 14 of chapter II (MCL 762.13 and 762.14), section 13 as amended by 2002 PA 483 and section 14 as amended by 1994 PA 286.

(Filed with the Secretary of State on July 21, 2004, at 10:40 a.m.)

Date: July 21, 2004
Time: 7:31 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 599 (Public Act No. 227), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 6 (MCL 388.1606), as amended by 2003 PA 158.

(Filed with the Secretary of State on July 21, 2004, at 10:42 a.m.)

Date: July 21, 2004
Time: 7:33 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1135 (Public Act No. 228), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding sections 20517 and 20519.

(Filed with the Secretary of State on July 21, 2004, at 10:44 a.m.)

Date: July 21, 2004
Time: 7:51 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1167 (Public Act No. 237), being

An act to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe penalties and sanctions,” by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding sections 5b and 5c.

(Filed with the Secretary of State on July 21, 2004, at 11:02 a.m.)

Date: July 21, 2004
Time: 7:59 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1025 (Public Act No. 241), being

An act to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies.

(Filed with the Secretary of State on July 21, 2004, at 11:10 a.m.)

Date: July 22, 2004
Time: 2:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 832 (Public Act No. 248), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by

this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 109h.

(Filed with the Secretary of State on July 23, 2004, at 10:20 a.m.)

Date: July 22, 2004

Time: 2:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1116 (Public Act No. 258), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

(Filed with the Secretary of State on July 23, 2004, at 1:44 p.m.)

Date: July 22, 2004

Time: 2:31 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 831 (Public Act No. 250), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding part 97.

(Filed with the Secretary of State on July 23, 2004, at 10:24 a.m.)

Date: July 22, 2004

Time: 2:37 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1216 (Public Act No. 259), being

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies

and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 137 (MCL 330.1137), as amended by 1995 PA 290.

(Filed with the Secretary of State on July 23, 2004, at 1:46 p.m.)

Date: July 22, 2004

Time: 2:39 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1222 (Public Act No. 260), being

An act to amend 1965 PA 285, entitled “An act to license and regulate private detectives and investigators; to provide for certain powers and duties for certain state agencies and local officials; to provide for the imposition for certain fees; to protect the general public against unauthorized, unlicensed and unethical operations by private detectives and private investigators; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending sections 9, 11, and 26 (MCL 338.829, 338.831, and 338.846), as amended by 2002 PA 474.

(Filed with the Secretary of State on July 23, 2004, at 1:48 p.m.)

Date: July 22, 2004

Time: 2:41 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1223 (Public Act No. 261), being

An act to amend 1986 PA 135, entitled “An act to provide for the licensing and regulation of asbestos abatement contractors; to create the asbestos abatement contractors licensing board; to prescribe certain powers and duties of the department of consumer and industry services; to establish the powers and duties of the asbestos abatement contractors licensing board; to create an asbestos abatement fund and to provide for expenditures from the fund; to provide for the promulgation of rules; to provide for certain fees; and to provide for penalties and civil fines,” by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

(Filed with the Secretary of State on July 23, 2004, at 1:50 p.m.)

Date: July 22, 2004

Time: 2:43 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1224 (Public Act No. 262), being

An act to amend 1988 PA 440, entitled “An act to provide for the accreditation of persons who perform asbestos-related work in schools, school buildings, and public and commercial buildings; to prescribe powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees,” by amending sections 11 and 14 (MCL 338.3411 and 338.3414), as amended by 1998 PA 133.

(Filed with the Secretary of State on July 23, 2004, at 1:52 p.m.)

Date: July 22, 2004

Time: 2:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1230 (Public Act No. 263), being

An act to amend 1979 PA 152, entitled “An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments,” by amending section 5 (MCL 338.2205), as amended by 1988 PA 461.

(Filed with the Secretary of State on July 23, 2004, at 1:54 p.m.)

Date: July 22, 2004
Time: 2:47 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1231 (Public Act No. 264), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 207, 409, and 411 (MCL 339.207, 339.409, and 339.411), sections 409 and 411 as amended by 2002 PA 611.

(Filed with the Secretary of State on July 23, 2004, at 1:56 p.m.)

Date: July 22, 2004
Time: 2:49 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1234 (Public Act No. 265), being

An act to amend 1965 PA 290, entitled “An act to regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts,” by amending section 4a (MCL 408.754a), as amended by 1986 PA 277.

(Filed with the Secretary of State on July 23, 2004, at 1:56 p.m.)

Date: July 22, 2004
Time: 5:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1208 (Public Act No. 277), being

An act to amend 2001 PA 266, entitled “An act to regulate the production, transportation, handling, processing, delivery, and sale of grade A milk and milk products; to define grade A milk and milk products and to establish standards and requirements for grade A milk and milk products; to provide for dairy food safety; to provide for the sampling, sampling analysis, and transportation of milk and milk products; to regulate the labeling, manufacture, distribution, and sale of milk and milk products for the protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of milk and milk products; to provide for enforcement; to provide for licenses and permits and revocation of licenses and permits; to impose certain fees; to require certain security arrangements of milk plants to ensure the prompt payment of producers; to prescribe powers and duties of certain state departments and officers; to provide for uniform standards and uniform inspection; to provide for promulgation of rules; to provide for certain remedies and penalties; and to repeal acts and parts of acts,” (MCL 288.471 to 288.540) by adding section 33a.

(Filed with the Secretary of State on July 23, 2004, at 2:20 p.m.)

Date: July 22, 2004
Time: 5:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1209 (Public Act No. 278), being

An act to amend 1984 PA 44, entitled “An act to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I and stage II vapor-recovery systems at certain facilities; to provide for fees; and to provide remedies and prescribe penalties,” by amending sections 6 and 9i (MCL 290.646 and 290.649i), section 6 as amended by 2002 PA 13 and section 9i as added by 1993 PA 236.

(Filed with the Secretary of State on July 23, 2004, at 2:22 p.m.)

Date: July 22, 2004
Time: 5:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1211 (Public Act No. 279), being

An act to amend 1937 PA 284, entitled “An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers’ proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,” by amending section 3 (MCL 287.123), as amended by 2003 PA 85.

(Filed with the Secretary of State on July 23, 2004, at 2:24 p.m.)

Date: July 22, 2004
Time: 5:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1214 (Public Act No. 280), being

An act to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” by amending section 4 (MCL 287.334), as amended by 2003 PA 83.

(Filed with the Secretary of State on July 23, 2004, at 2:26 p.m.)

Date: July 22, 2004
Time: 5:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1215 (Public Act No. 281), being

An act to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 13 (MCL 400.713), as amended by 2004 PA 59.

(Filed with the Secretary of State on July 23, 2004, at 2:28 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

June 9, 2004

I am writing to withdraw from consideration by the Senate the following appointment to public office under Section 25 of the State Trunk Line Highway System, 1951 PA 51, MCL 247.675:

Michigan Truck Safety Commission

Ms. Gail Y. Clifford of 29050 Lancaster Drive, Apt. 106, Southfield, Michigan 48034, county of Oakland, succeeding Gerald Basch, whose term has expired, representing the general public, for a term commencing May 13, 2004 and expiring August 4, 2005.

July 7, 2004

Due to a typographical error in the June 29, 2004 letter filed with your office pursuant to Section 3 of 1939 PA 176, MCL 423.3, the following appointment should read:

Employment Relations Commission

Mr. Nino E. Green, a Democrat, of 225 Ludington, Escanaba, Michigan 49829, county of Delta, succeeding **Maris Stella Swift**, whose term expires on June 30, 2004, appointed for a term commencing July 1, 2004 and expiring June 30, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The messages were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

July 8, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 302 and 1102 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.1102:

Board of Barber Examiners

Mr. Michael E. Glasscoe of 2408 Champion Way, Lansing, Michigan 48910, county of Ingham, succeeding Jarvis Beene, Sr., whose term expires September 30, 2004, representing barbers, for a term commencing October 1, 2004 and expiring September 30, 2008.

Mr. George E. Pappas of 3420 South Gladwin Road, P.O. Box 348, Prudenville, Michigan 48651, county of Roscommon, succeeding Joe Loush, whose term has expired, representing barbers, for a term commencing July 8, 2004 and expiring September 30, 2007.

July 23, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 4 of 1973 PA 196, MCL 15.344:

Board of Ethics

Mr. Frederick P. Dillingham, a Republican, of 3335 Cedar Road, Fowlerville, Michigan 48836, county of Livingston, appointed to succeed Wendy S. Anderson, whose term has expired, for a term commencing July 23, 2004 and expiring February 7, 2008.

Mr. Paul M. Yedwab, an Independent, of 3570 Edgewood Park Drive, Commerce Township, Michigan 48382, county of Oakland, appointed to succeed Bernard J. O'Connor, whose term has expired, for a term commencing July 23, 2004 and expiring February 7, 2008.

August 3, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

State Board of Accountancy

Ms. Mary L. Nickolas of 23770 Overlook Circle, Franklin, Michigan 48025, county of Oakland, succeeding Lola Peterson, whose term has expired, representing the general public, for a term commencing August 3, 2004 and expiring June 30, 2008.

Mr. Alan C. Young of 4253 Old Dominion, West Bloomfield, Michigan 48323, county of Oakland, reappointed to represent certified public accountants, for a term expiring June 30, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 774

The motion prevailed.

Senate Bill No. 874, entitled

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

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 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,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 573**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Emerson

In The Chair: President

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

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 House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.

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,

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

Roll Call No. 574**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—0

Not Voting—1

Emerson

In The Chair: President

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

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today's session.
The motion prevailed.

Senate Bill No. 1001, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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.

Senate Bill No. 1003, 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, 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.

Senate Bill No. 1051, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1105, 2114, 2301, 2714, 2902, 3715, 3803, 3917, 3918, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.3715, 700.3803, 700.3917, 700.3918, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1998 PA 386, entitled "An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts," by amending sections 1105, 2114, 2301, 2714, 2902, 2910, 3715, 3803, 3917, 3920, 3923, 7303, 7307, 7406, and 7408 (MCL 700.1105, 700.2114, 700.2301, 700.2714, 700.2902, 700.2910, 700.3715, 700.3803, 700.3917, 700.3920, 700.3923, 700.7303, 700.7307, 700.7406, and 700.7408), sections 1105, 2114, 3917, and 7303 as amended by 2000 PA 54, and by adding section 7410.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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,

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

Roll Call No. 575

Yeas—37

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

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

Senate Bill No. 1228, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and

to repeal acts and parts of acts,” by amending sections 5 and 9a (MCL 722.115 and 722.119a), section 5 as amended by 1998 PA 519 and section 9a as added by 1980 PA 232.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

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.

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.

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 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.

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 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.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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,

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

Roll Call No. 576

Yeas—37

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

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

Senate Bill No. 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 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.

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.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Hammerstrom moved that the rule be suspended.

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,

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

Roll Call No. 577**Yeas—37**

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

Nays—0**Excused—1**

Emerson

Not Voting—0

In The Chair: President

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

Senator Emerson entered the Senate Chamber.

Senate Bill No. 1297, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in various counties; to prescribe conditions for the conveyances; to provide for the disposal of certain buildings; to provide for certain powers and duties of certain state departments in regard to the parcels of property; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 9, after "sale" by striking out the balance of the line through "value" on line 10.
2. Amend page 2, line 11, after "located." by inserting "An offer to a local unit of government may be for less than fair market value."
3. Amend page 2, line 18, after "state" by striking out the balance of the subsection and inserting "both of the following amounts:
 - (a) An amount equal to the fair market value of the property at the time it was sold to the local unit of government by the state, less the price the local unit of government paid to the state for the property.
 - (b) An amount equal to 50% of the price paid by the subsequent purchaser to the local unit of government for the property, less the fair market value of the property at the time it was sold to the local unit of government by the state."
4. Amend page 2, line 21, after "provide" by striking out the balance of the line through "The" on line 22 and inserting "that the".
5. Amend page 3, line 1, by striking out all of subdivisions (b) and (c).
6. Amend page 4, line 26, after "provide" by striking out the balance of the line through "The" on line 3 of page 5 and inserting "that the".
7. Amend page 5, line 24, after "value" by striking out the period and inserting "in an open manner that utilizes 1 or more of the following:
 - (i) A competitive sealed bid.
 - (ii) Real estate brokerage services.
 - (iii) A public auction."
8. Amend page 5, line 25, by striking out all of subsection (12).
9. Amend page 7, line 17, after "conditions." by inserting "If the property described in subsection (1) is not sold to either the township of Calumet or the government of the United States or its subdivisions, the property may be offered for not less than fair market value pursuant to subsections (4) to (6)."
10. Amend page 10, line 4, after "value" by striking out the period and inserting "in an open manner that utilizes 1 or more of the following:
 - (i) A competitive sealed bid.
 - (ii) Real estate brokerage services.
 - (iii) A public auction."
11. Amend page 10, line 5, by striking out all of subsection (12).
12. Amend page 16, line 19, after "value" by striking out the period and inserting "in an open manner that utilizes 1 or more of the following:
 - (i) A competitive sealed bid.
 - (ii) Real estate brokerage services.
 - (iii) A public auction."
13. Amend page 16, line 20, by striking out all of subsection (9).
14. Amend page 17, following line 2, following section 5, by inserting:

"Sec. 6. (1) The department of natural resources, on behalf of the state, may convey to Osceola county, for consideration of \$1.00, certain property under the jurisdiction of the department of natural resources and located in Rose Lake township, Osceola county, Michigan, commonly known as Sunrise Lake park, and further described as follows:

A parcel of land located in Section 24, T19N, R9W, Rose Lake Township, Osceola county, containing 72.4 acres, more or less.

(2) The description of the property in subsection (1) is approximate and for purposes of the conveyance is subject to adjustments as the state administrative board or the attorney general considers necessary by survey or other legal description.

(3) The conveyance authorized by this section shall provide for all of the following:

(a) The property shall be used exclusively for public recreational purposes and if any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers.

(b) Upon termination of the use described in subdivision (a) or use for any other purpose, the state may reenter and repossess the property, terminating the grantee's estate in the property.

(c) If the grantee disputes the state's exercise of its right of reentry and fails to promptly deliver possession of the property to the state, the attorney general, on behalf of the state, may bring an action to quiet title to, and regain possession of, the property.

(4) The conveyance authorized by this section shall be by quitclaim deed approved by the attorney general and shall reserve mineral rights to the state.

(5) The revenue received under this section shall be deposited in the state treasury and credited to the general fund."

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 578

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	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	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

Senate Bill No. 1302, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 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,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 579**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	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	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

Senate Bill No. 1303, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

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.

Senate Bill No. 1304, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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,

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

Roll Call No. 580

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	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	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

Senate Bill No. 1305, entitled

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” (MCL 211.181 to 211.182) by adding section 1a.

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. 267, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Substitute (H-1).

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

Senator Johnson offered the following substitute to the House substitute:

Substitute (S-2).

The question being on the adoption of the substitute,
Senator Johnson offered the following amendments to the substitute:

1. Amend page 6, following line 9, by inserting:

“Trust fund acquisition projects by priority:

Kamehameha schools land project-phase II, Chippewa, Luce, Schoolcraft, Alger, Marquette, Baraga, Houghton, Ontonagon, and Gogebic Counties (#03-184)
Various state park acquisitions, various counties (#03-194)
CMS arcadia/green point dunes-phase I, Manistee County (#03-209)
Wildlife area lump-sum acquisitions, various counties (#03-198)
Upper Peninsula deer habitat acquisition, Chippewa, Mackinac, Luce, Schoolcraft, Alger, Delta, Marquette, Dickinson, Menominee, Iron, Baraga, Houghton, Keweenaw, Ontonagon, and Gogebic Counties (#03-199)
Southern Michigan wetland initiative, various counties (#03-197)
Fisheries division lump sum, various counties (#03-177)
Seneca Lake township park and recreation area, Keweenaw County (grant-in-aid to Allouez Township) (#03-125)
State forest lump sum, various counties (#03-186)
Battle Creek natural area, Grand Traverse County (grant-in-aid to Whitewater Township) (#03-206)
Connor bayou acquisition, Ottawa County (grant-in-aid to Ottawa County) (#03-146)
Lake Huron shoreline acquisition, St. Clair County (grant-in-aid to St. Clair County) (#03-129)
Parkway nature preserve, Macomb County (grant-in-aid to Harrison Township) (#03-015)
Wales Township park land acquisition, St. Clair County (grant-in-aid to Wales Township) (#03-143)
Drenthe grove park expansion, Ottawa County (grant-in-aid to Zeeland Township) (#03-070)
Iron River frontage acquisition, Iron County (grant-in-aid to city of Caspian) (#03-166)
Water’s edge park acquisition, Clinton County (grant-in-aid to DeWitt Township) (#03-208)
Beegle field acquisition, Muskegon County (grant-in-aid to Dalton Township) (#03-207)
Coy mountain preserve acquisition, Antrim County (grant-in-aid to Helena Township) (#03-203)
Recreation trail, Gogebic County (grant-in-aid to city of Ironwood) (#03-210)
Electric park land acquisition, Houghton County (grant-in-aid to Osceola Township) (#03-158)
Tuscola Township park land acquisition, Tuscola County (grant-in-aid to Tuscola Township) (#03-063)
Sebewaing park project, Huron County (grant-in-aid to village of Sebewaing) (#03-001)
Sewage lagoon and railroad grade property, Dickinson County (grant-in-aid to Dickinson County) (#03-126)
Holiday Inn property, Iosco County (grant-in-aid to city of East Tawas) (#03-205)
Old harbor natural area acquisition, Allegan County (grant-in-aid to city of Saugatuck) (#03-115)
Dodge park #5 acquisition, Oakland County (grant-in-aid to Commerce Township) (#03-130)
Trust fund development projects by priority:
Grayling River park development, Crawford County (grant-in-aid to city of Grayling) (#03-064)
Coldwater Lake park, Isabella County (grant-in-aid to Isabella County) (#03-068)
Central area rural preserve, Washtenaw County (grant-in-aid to Pittsfield Township) (#03-042)
Cartier park fishing pier installation, Mason County (grant-in-aid to city of Ludington) (#03-003)
Hudson mills metropark hike/bike trail, Livingston County (grant-in-aid to Huron-Clinton metropolitan authority) (#03-023)
McQuisten park boardwalk and fishing pier, Alger County (grant-in-aid to Munising Township) (#03-024)
Lakeshore park restroom facility, Houghton County (grant-in-aid to Calumet Township) (#03-026)
Barnes park improvements, Antrim County (grant-in-aid to Antrim County) (#03-160)
Bailey park improvements, Calhoun County (grant-in-aid to city of Battle Creek) (#03-107)
Rogue River trail network, Kent County (grant-in-aid to city of Rockford) (#03-095)
Township park and preserve development, Berrien County (grant-in-aid to Chikaming Township) (#03-137)
North hydro park development, Washtenaw County (grant-in-aid to Ypsilanti Township) (#03-114)
Visitors center at E.L. Johnson nature center, Oakland County (grant-in-aid to Bloomfield Hills schools) (#03-092)
Lake Michigan beach park restoration, Benzie County (grant-in-aid to city of Frankfort) (#03-175)
Sherman park beach improvements, Chippewa County (grant-in-aid to city of Sault Ste. Marie) (#03-116)
Brower park marina bathhouse, Mecosta County (grant-in-aid to Mecosta County) (#03-033)
Saginaw valley rail trail, Saginaw County (grant-in-aid to Saginaw County) (#03-119)
Civic center south, Grand Traverse County (grant-in-aid to village of Kingsley) (#03-079)
Block 58 lakeshore park improvement, Muskegon County (grant-in-aid to city of North Muskegon) (#03-014)
Crystal valley park, Oceana County (grant-in-aid to Oceana County) (#03-034)
River trail south extension, Ingham County (grant-in-aid to city of Lansing) (#03-106)
Belle Isle park improvements, Wayne County (grant-in-aid to city of Detroit) (#03-109)
CASA all-sports park and natural area, Wexford County (grant-in-aid to Wexford County) (#03-013)
Freel/Doumas park renovation, Otsego County (grant-in-aid to city of Gaylord) (#03-065)”.

2. Amend page 6, line 17, after “complex” by inserting “food service addition and facility renovations, authorized for design and construction (total authorized cost \$3,675,100; state building authority share \$3,675,000; state general fund share \$100).” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator Stamas offered the following amendment to the substitute:

1. Amend page 46, following line 19, by inserting:

“DEPARTMENT OF NATURAL RESOURCES

Sec. 750. (1) If the appropriation in 2003 PA 147 for payments in lieu of taxes for purchased lands is insufficient to pay the entire assessment under subpart 14 of part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2152 to 324.2154, the department of natural resources shall prorate the amount appropriated from each fund for which there is a shortfall.

(2) If the department of natural resources prorates appropriations under subsection (1), it shall notify the state budget director, the senate and house appropriations subcommittees on natural resources and the senate and house fiscal agencies of the amount of the shortfall from each fund source.”.

The amendment to the substitute was adopted.

The substitute, as amended, was adopted.

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

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

Roll Call No. 581

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	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	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

Senator Johnson offered to amend the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Sikkema, Basham and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

I rise to make some comments regarding the ultimate sacrifice recently made by a young man from my district in Iraq. The young man's name was Nicholas Blodgett. His brother Matthew is actually with us in the east Gallery. I want to tell Matthew and his family that it is with the deepest respect that we honor the memory of his brother, United States Army Private First Class Nicholas Blodgett, an outstanding citizen from Wyoming, Michigan, who, as I mentioned, gave the ultimate sacrifice for his country and was taken too soon from this life, from his community and his family.

Nicholas Blodgett was a devoted son, a grandson, and nephew. He was a 2001 graduate of Grand Rapids Catholic Central High School. Nicholas joined the military as a precursor to a career in law enforcement. He began active duty in the fall of 2003 and was later deployed to Iraq after his basic training was completed at Fort Knox. He believed very deeply in the cause that he was fighting for. He put an exceptional amount of thought and consideration into his decision to join the military, as his family and friends will attest.

Nicholas was part of the Army First Squadron 4th Cavalry Regiment stationed in Germany, and while on patrol a few days ago on July 21, his patrol vehicle hit an improvised explosive device. The memory of this brave soldier who made the ultimate sacrifice on behalf of his comrades and his country will long endure.

There have been a lot of news articles in *The Grand Rapids Press* recently about Nicholas Blodgett. It is kind of interesting because he was really a quiet young man but built quite a circle of friends and associates in Wyoming, Michigan, and on Seneca Street. His integrity and sincere goodwill created a spirit of cooperation leading to a lot of accomplishments already in his young life. As I mentioned, he was a very quiet young man, a very quiet demeanor, who just kind of had a natural instinct to help people. That's why he was very much admired by his family and his friends and neighbors on Seneca Street in Wyoming.

I have a special tribute for him and want to dedicate it as a memorial. I want his mother and father, his brother Matthew, who I mentioned is here, and his grandmother Paula Blodgett to know of our deep sympathy in their loss and our loss, but also for our esteem for what this young man did for us and what he represents. And I guess I might add that I think he represents all of those young Americans who, over the many years dating back to the Revolutionary War, were taken from us because of their devotion, courage, and service. When I say he represents all of those young men, I mean very typically young, full of life, willingness to go into harm's way for ideas and ideals beyond themselves. Nicholas Blodgett is a young American soldier who has joined that hallowed line of American heroes who gave it all.

Senator Basham's statement is as follows:

I rise with great sadness in my heart also. On Saturday, July 17, our state lost yet another brave young soldier in the ongoing violence in Iraq. Army National Guard Specialist Craig Frank of Lincoln Park became the 27th serviceperson from the state of Michigan to die in Iraq and the 886th American to die in combat.

Newspaper reports indicated that Specialist Frank, a military police officer in the Army National Guard, was hit in the back with a rocket-propelled grenade as he and his fellow soldiers were driving in the Iraqi town of Beiji. Specialist Frank was helping to guard a convoy driving from Kuwait to a location north of Baghdad.

Specialist Frank enlisted in the National Guard in 2001 to serve his country and to help pay for college. Before being called up for active duty in Iraq, Craig Frank was a student at Eastern Michigan University and had plans of becoming a history teacher.

Once again, Mr. President, our state grieves the loss of yet another brave Michigander whose service to his country will never be forgotten. Let us pray to God to keep our remaining sons and daughters in Iraq safe from harm.

None of us can know how much longer this conflict in Iraq will last nor how much more blood will be spilled, though we must remain ever resolute in our support for our servicemen and women who are charged with establishing order in one of the most violent and chaotic nations in the world.

A moment of silence was observed for the memory of U.S. Army Private First Class Nicholas Blodgett and Army National Guard Specialist Craig Frank.

Senator Scott's statement is as follows:

On Tuesday, July the 6th, I was attending the funeral of Dr. Adger Butler, Jr., who is my cousin. I just want to make the record clear. I read in a number of papers that the State Troopers were sent after me. I just want to make that clear that was not so. I did say that I would come in. I left my cousin's funeral in the middle of the funeral and headed to Lansing, got half way here and heard on the news that the vote had been taken. So I turned around and went back. I just want to make that very, very clear.

And the roll calls that day on Roll Call No. 522 to Roll Call No. 543, "yes"; 544, "no"; 547, "yes"; 549 through 569, "yes"; Roll Call No. 570 that was on the reconsideration of the casino tax, I guess my vote would have been "yes" on that; and Roll Call No. 572, "yes."

And don't forget my insurance. It's been a little while. Just yesterday there was a woman on a talk show who said her insurance was \$11,000 and some cents. They get worse and worse in the city of Detroit. Now I think it's time for us to deal with these insurance bills for the city of Detroit in terms of our insurance and homeowners. It is ridiculous. So I would hope that we would start taking up these bills immediately.

So I guess that's the end for me today. I just want you all to remember and, Mr. Chair, I know yours went up too, but certainly not as much as ours in the city of Detroit. So I need a little help from you on it, Mr. Chair.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Kuipers as Chairperson.

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

Senate Bill No. 533, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8831 (MCL 600.8831), as added by 1995 PA 54.

House Bill No. 5446, entitled

A bill to amend 1945 PA 282, entitled "An act to provide for county planning; the creation, organization, powers and duties of county planning commissions," by amending section 2 (MCL 125.102).

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.

House Bill No. 5198, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 9 (MCL 15.269), as amended by 1982 PA 130.

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. 532, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901) and by adding sections 8905d and 8905e.

Substitute (S-2).

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

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

Senate Bill No. 853, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35903 (MCL 324.35903), as added by 1996 PA 88.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 855, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35803 (MCL 324.35803), as added by 1996 PA 89.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 857, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105a (MCL 324.72105a), as added by 1997 PA 129.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 858, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74104 (MCL 324.74104), as added by 1995 PA 58.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 8905f.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 861, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17305.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

Substitute (S-6).

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. 1075, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17049 and 17549 (MCL 333.17049 and 333.17549), as added by 1990 PA 247.

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 amendments, the following bill:

House Bill No. 6021, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766 (MCL 333.17766), as amended by 1990 PA 30, and by adding section 17766d.

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

1. Amend page 2, line 25, after "**corrections**" by inserting "**or a county jail**".
2. Amend page 3, line 2, after "**facility**" by striking out the balance of the line through "**facility**" on line 5 and inserting "**or a county jail that has a licensed physician's assistant, a registered professional nurse, or a licensed practical nurse, who is responsible for the security, handling, and administration of prescription drugs within that state correctional facility or county jail**".
3. Amend page 3, line 26, after "**corrections**" by inserting "**or a county jail**".
4. Amend page 5, following line 20, by inserting:

"(a) "**County jail**" means a facility operated by a county for the physical detention and correction of persons charged with, or convicted of, criminal offenses or ordinance violations or persons found guilty of civil or criminal contempt." and relettering the remaining subdivisions.

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 a substitute therefor, the following bill:

Senate Bill No. 1319, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 1 and 6 (MCL 400.231 and 400.236), section 1 as amended by 2002 PA 564 and section 6 as added by 1999 PA 161.

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. 5798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

Substitute (S-2).

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

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

House Bill No. 5801, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of

same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322), as amended by 2003 PA 176.

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 amendment, the following bill:

House Bill No. 5820, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 626 (MCL 257.626).

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

1. Amend page 2, line 1, after “effect” by striking out the balance of the enacting section and inserting “November 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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 6061

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

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 Assistant President pro tempore, Senator Sanborn, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 6061, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; and to repeal acts and parts of acts.

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

1. Amend page 4, line 16, after “elector,” by striking out “including a member of the armed services or an overseas voter who registers to vote by federal postcard application under subsection (1)” and inserting “as defined under subsection (2)”.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 532

Senate Bill No. 533

Senate Bill No. 853

Senate Bill No. 854
Senate Bill No. 855
Senate Bill No. 857
Senate Bill No. 858
Senate Bill No. 860
Senate Bill No. 861
Senate Bill No. 790
Senate Bill No. 1075
House Bill No. 6021
Senate Bill No. 1319
House Bill No. 5798
House Bill No. 5446
House Bill No. 5664
House Bill No. 5801
House Bill No. 5820
House Bill No. 5198
House Bill No. 6061

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:

House Bill No. 5846
Senate Bill No. 1206
Senate Bill No. 532
Senate Bill No. 533
Senate Bill No. 853
Senate Bill No. 854
Senate Bill No. 855
Senate Bill No. 857
Senate Bill No. 858
Senate Bill No. 860
Senate Bill No. 861
Senate Bill No. 790
Senate Bill No. 1075
House Bill No. 6021
Senate Bill No. 1319
House Bill No. 5798
House Bill No. 5446
House Bill No. 5664
House Bill No. 5801
House Bill No. 5820
House Bill No. 5198
House Bill No. 6061

The motion prevailed.

The following bill was read a third time:

House Bill No. 5846, entitled

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

The question being on the passage of the bill,

Senator Cropsey offered the following amendments:

1. Amend page 2, line 3, after the first "the" by striking out "recognizance" and inserting "**bail or surety bond**".
2. Amend page 2, line 3, after "shown" by inserting "**for the defendant's failure to appear**".
3. Amend page 2, line 6, after "the" by striking out "recognizance" and inserting "**bail, or if a surety bond has been posted the full amount of the surety bond. If the amount of a forfeited surety bond is less than the full amount of the bail, the defendant shall continue to be liable to the court for the difference, unless otherwise ordered by the court**".

The amendments were 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. 582**Yeas—36**

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

Nays—0**Excused—0****Not Voting—2**

Emerson

Leland

In The Chair: Sanborn

Senator Schauer moved that Senators Emerson and Leland be temporarily excused from the balance of today's session. The motion prevailed.

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1206, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 2, 3, 4, and 12 (MCL 207.772, 207.773, 207.774, and 207.782), sections 2, 3, and 12 as amended by 2001 PA 217 and section 4 as amended by 2004 PA 60.

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. 583**Yeas—36**

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

Nays—0**Excused—2**

Emerson Leland

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 532, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901) and by adding sections 8905d and 8905e.

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. 584**Yeas—36**

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

Nays—0**Excused—2**

Emerson Leland

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 533, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8831 (MCL 600.8831), as added by 1995 PA 54.

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. 585

Yeas—36

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

Nays—0

Excused—2

Emerson	Leland
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 853, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 35903 (MCL 324.35903), as added by 1996 PA 88.

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. 586

Yeas—36

Allen	Cherry	Hardiman	Sanborn
Barcia	Clark-Coleman	Jacobs	Schauer
Basham	Clarke	Jelinek	Scott

Bernero	Cropsey	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson	Leland
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 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. 587

Yeas—22

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

Nays—14

Barcia	Cherry	Olshove	Scott
Basham	Clark-Coleman	Prusi	Switalski
Bernero	Clarke	Schauer	Thomas
Brater	Jacobs		

Excused—2

Emerson	Leland
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Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Senator Hammerstrom moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Hammerstrom moved that the Senate recess until 2:45 p.m. The motion prevailed, the time being 1:41 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator Sanborn.

Recess

Senator Stamas moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:45 p.m.

3:01 p.m.

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

The following bill was read a third time:

Senate Bill No. 855, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35803 (MCL 324.35803), as added by 1996 PA 89.

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. 588**Yeas—36**

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

Nays—0

Excused—2

Emerson

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schauer moved that Senator Thomas be temporarily excused from the balance of today's session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 857, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105a (MCL 324.72105a), as added by 1997 PA 129.

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. 589**Yeas—35**

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

Nays—0**Excused—3**

Emerson

Leland

Thomas

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. 858, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74104 (MCL 324.74104), as added by 1995 PA 58.

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. 590**Yeas—35**

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

Nays—0**Excused—3**

Emerson	Leland	Thomas
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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. 860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 8905f.

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. 591**Yeas—35**

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

Nays—0**Excused—3**

Emerson	Leland	Thomas
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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. 861, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 17305.

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. 592**Yeas—35**

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

Nays—0**Excused—3**

Emerson	Leland	Thomas
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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. 790, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 173.

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. 593**Yeas—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas

Brown
Cassis
Cropsey

Goschka
Hammerstrom
Hardiman

McManus
Patterson

Toy
Van Woerkom

Nays—13

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke

Jacobs
Olshove
Prusi

Schauer
Scott
Switalski

Excused—3

Emerson

Leland

Thomas

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. 1075, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17049 and 17549 (MCL 333.17049 and 333.17549), as added by 1990 PA 247.

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. 594**Yeas—35**

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0**Excused—3**

Emerson

Leland

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Leland entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 6021, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17766 (MCL 333.17766), as amended by 1990 PA 30, and by adding section 17766d.

The question being on the passage of the bill,

Senator Prusi offered the following amendment:

1. Amend page 6, following line 9, by inserting:

“Enacting section 1. It is the intent of this legislature that the department of corrections maintain its current employment level of pharmacists and pharmacist technicians to ensure a safe and smooth transition after the enactment of this amendatory act.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 595**Yeas—16**

Barcia	Cherry	Jacobs	Prusi
Basham	Clark-Coleman	Johnson	Schauer
Bernero	Clarke	Leland	Scott
Brater	Goschka	Olshove	Switalski

Nays—20

Allen	Cropsey	Hardiman	Sanborn
Birkholz	Garcia	Jelinek	Sikkema
Bishop	George	Kuipers	Stamas
Brown	Gilbert	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Excused—2

Emerson	Thomas
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Not Voting—0

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 596**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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0**Excused—2**

Emerson Thomas

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1319, entitled

A bill to amend 1971 PA 174, entitled “Office of child support act,” by amending sections 1, 5, and 6 (MCL 400.231, 400.235, and 400.236), section 1 as amended by 2002 PA 564, section 5 as amended by 1998 PA 112, and section 6 as added by 1999 PA 161.

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. 597**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	Toy
Cassisi	Hammerstrom	Patterson	Van Woerkom

Nays—0**Excused—2**

Emerson Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5798, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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. 598**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	Toy
Cassisi	Hammerstrom	Patterson	Van Woerkom

Nays—0**Excused—2**

Emerson Thomas

Not Voting—0

In The Chair: President

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5446, entitled

A bill to amend 1945 PA 282, entitled “An act to provide for county planning; the creation, organization, powers and duties of county planning commissions,” by amending section 2 (MCL 125.102).

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. 599

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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Emerson	Thomas
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Not Voting—0

In The Chair: President

Senator Thomas entered the Senate Chamber.

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 600

Yeas—37

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

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

Senator Schauer moved that Senator Thomas be temporarily excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5801, entitled

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322), as amended by 2003 PA 176.

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. 601

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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Emerson	Thomas
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Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5820, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 626 (MCL 257.626).

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. 602**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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0**Excused—2**

Emerson Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5198, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 9 (MCL 15.269), as amended by 1982 PA 130.

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. 603**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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Emerson Thomas

Not Voting—0

In The Chair: President

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

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

“An act to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6061, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following amendment:

1. Amend page 5, following line 23, by inserting:

“(8) Notwithstanding provisions in section 759, after February 28, 2005, at any time during the 75 days before a primary election or special primary election, but not later than 2 p.m. of the Saturday immediately before the primary election or special primary election, an elector who wants to vote as an absent voter may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary election or special primary election may be for either that primary election only, or for that primary election and the election that follows.

(9) Notwithstanding provisions in section 759, after February 28, 2005, except as otherwise provided in subsection (8), at anytime during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who wants to vote as an absent voter, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(10) Notwithstanding provisions in section 759, after February 28, 2005, an application for an absent voter ballot under subsection (8) or (9) may be made in any of the following ways:

(a) By a written request signed by the elector.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(11) Notwithstanding provisions in section 759, after February 28, 2005, an applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. Other than the applicant; a member of the applicant’s immediate family; a

person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to the applicant; or a clerk, assistant of the clerk, or other authorized election official, a person shall not be in possession of a signed absent voter ballot application. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(12) Notwithstanding provisions in section 759, after February 28, 2005, the clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

[] The primary election or special primary election to be held on _____ [date].

[] The election to be held on _____ [date].

(Check applicable election or elections)

I, _____, a qualified and registered elector of the _____ precinct of the township of _____ or village of _____ or of the _____ ward of the city of _____, in the county of _____, and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

Send absent voter ballot to me at:

.....
(Street No. or R.R.)

.....
(Post Office) (State) (Zip Code)

My registered address.....
(Street No. or R.R.)

.....
(Post Office) (State) (Zip Code)

Date.....

I certify that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

A person making a materially false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application**

I certify that my name is _____, my address is _____, and my date of birth is _____; that I am delivering the absent voter ballot application of _____ at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in anyway; that I have not influenced the applicant; and that I am aware that a materially false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(13) Notwithstanding provisions in section 759, after February 28, 2005, the following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(14) Notwithstanding provisions in section 759, after February 28, 2005, a person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required under subsections (12) and (13).

(15) Notwithstanding provisions in section 759, after February 28, 2005, a person who makes a materially false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

(16) Notwithstanding subsections (8) and (9) and provisions in sections 759 and 759b, after February 28, 2005, a registered elector may apply for an absent voter ballot at any time before 4 p.m. on election day if an event has occurred at a time that made it impossible to apply for absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter ballot application.

(17) Notwithstanding provisions in section 759b, after February 28, 2005, emergency absent voter ballot applications under subsection (16) may be made by letter or on a form prescribed by the secretary of state, approved by the board of state canvassers, and provided by the clerk. The application shall set forth that the voter is qualified to vote in the election, and that an event occurred at such a time to make it impossible to file an application for an absent voter ballot by the statutory deadline. The secretary of state shall prescribe a standard emergency absent voter ballot application form, subject to approval by the board of state canvassers, including the size of the form and the color of paper upon which the form is printed.

(18) Notwithstanding provisions in section 759b, after February 28, 2005, a person intentionally making a materially false statement in an emergency absent voter ballot application under subsection (16) is guilty of a felony. A person aiding or abetting another person to make a materially false statement in an emergency absent voter ballot application is guilty of a felony.

(19) Notwithstanding provisions in section 759b, after February 28, 2005, upon receipt by the clerk of a valid application for an emergency absent voter ballot under subsection (16), the clerk may deliver the absent voter ballot to the applicant in person, through a deputy or an election assistant, or at his or her office to a person named by the applicant in the emergency absent voter ballot application. The absent voter may return the absent voter ballot to the clerk in any manner. However, to be valid, the absent voter shall return the absent voter ballot to the clerk in the sealed envelope provided for that purpose and in time to be delivered to the polls before 8 p.m. on election day.

(20) Notwithstanding provisions in section 758, after February 28, 2005, as used in this act, "absent voter" means a qualified and registered elector who votes without attending the polls on the day of an election. Absent voter does not include a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a."

The question being on the adoption of the amendment,

Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

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

Senate Resolution No. 287

Senate Resolution No. 288

The resolution consent calendar was adopted.

Senator Prusi offered the following resolution:

Senate Resolution No. 287.

A resolution recognizing Saturday, July 17, 2004, as County Bay Cliff Health Camp Day in Michigan.

Whereas, Bay Cliff Health Camp was established in 1939 as a voluntary, nonprofit organization under the leadership of officials of the Michigan Public Health Department to serve the underprivileged and undernourished children from the 15 counties of Michigan's Upper Peninsula. The program began as a summer-long therapy program which was offered at little or no cost to Upper Peninsula families; and

Whereas, Bay Cliff Health Camp was established on a secluded farm site in Big Bay, Michigan, in the Upper Peninsula's northern Marquette County. Through special funding from the Michigan Crippled Children's Fund and spearheaded by Senator James Couzens, the camp expanded its facilities and programming to serve and treat children stricken with polio in the early 1940s; and

Whereas, During its 70 years of operation, Bay Cliff Health Camp has held its doors open to northern Michigan families and served over 11,000 children with a proven history of service, the camp continues to assist children from across the entire Upper Peninsula who have physical limitations and are living with health conditions such as cerebral palsy, traumatic brain injury, spinal cord injury, degenerative neurological disease, and various speech, hearing, and vision disabilities. The administrators, board of directors, and faculty and staff of Bay Cliff Health Camp should be commended for their efforts to help these young Michiganders reach their full potential and lead successful, productive lives; and

Whereas, The Board of Directors of Bay Cliff Health Camp has recently embarked on a bold mission to renovate its aging 70-year-old facilities and make them more accessible under the standards set by the federal Americans with Disabilities Act. The renovation plans will greatly improve camp facilities, enabling them to expand their programming and offer additional year-round health and therapy services to Upper Peninsula children and their families; now, therefore, be it

Resolved by the Senate, That we hereby recognize July 17, 2004, as Bay Cliff Health Camp Day in Michigan, and we ask that on this day all citizens pause to acknowledge Bay Cliff for their dedicated efforts towards children's health; and be it further

Resolved, That a copy of this resolution be transmitted to the Bay Cliff Health Camp as we devote special attention to children with special needs.

Senators Cherry, Clark-Coleman, Cropsey, Garcia, Hardiman, Jacobs, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senator Olshove offered the following resolution:

Senate Resolution No. 288.

A resolution commemorating September 2004 as Children's Internet Safety Month.

Whereas, The Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world; and

Whereas, It is vital to the well-being of children that the Internet offer them a wholesome environment to explore and that its capacity to deliver pornographic material to the innocent be responsibly monitored and effectively screened; and

Whereas, Children are ill-equipped to cope with lurid Internet content and cyberpredators and are at risk in their own homes, schools, and libraries; and

Whereas, Parents, religious and government leaders, educators, and rational-thinking people everywhere are concerned about children's Internet safety, Web manipulation by the unscrupulous, and the rising tide of pornographic Web sites; and

Whereas, Objectionable material, such as violent, obscene, or sexually-explicit adult material may be received by a minor in an unsolicited form; and

Whereas, It is imperative that Michigan parents, guardians, grandparents, teachers, and family members, along with churches, business and community leaders, and organizations, be alerted to the pervasiveness and danger of pornography on the Internet. Support of this public service initiative will improve the Internet culture within their own spheres of influence; and

Whereas, The century of instant global communication holds great promise for achieving better understanding among people of the world. A broader resolve is heralded to protect the safety of children in order that the Internet not be perceived as an instrument of cunning, pornographic invitation to the young, but as evidence of profound respect for human dignity, creative inquiry, and commitment to excellence; now, therefore, be it

Resolved by the Senate, That we hereby commemorate September 2004 as Children's Internet Safety Month and express our support for efforts to protect our children against harmful Internet materials; and be it further

Resolved, That copies of this resolution be transmitted to Governor Jennifer Granholm and Lieutenant Governor John Cherry.

Senators Allen, Brown, Cassis, Cherry, Clark-Coleman, Cropsey, Garcia, Hardiman, Jacobs, Prusi, Schauer, Scott, Switalski and Toy were named co-sponsors of the resolution.

Senate Resolution No. 285.

A resolution to express support for the U.P. Entrepreneurship Development System grant application to the W.K. Kellogg Foundation.

The question being on the adoption of the resolution,

The resolution was adopted.

House Concurrent Resolution No. 63.

A concurrent resolution to increase the total project cost of the Roll Building Renovation project at Kellogg Community College.

The question being on the adoption of the resolution,

The concurrent resolution was adopted.

Senators Thomas, Clark-Coleman, Prusi, Brater, Olshove, Cherry, Jacobs, Schauer, Clarke, Switalski, Leland, Emerson, Barcia, Basham and Goschka offered the following resolution:

Senate Resolution No. 286.

A resolution celebrating the life of Wilbur Howard.

Whereas, Wilbur D. Howard was born November 24, 1932, at St. Lawrence Hospital in Lansing, Michigan, to Abraham and Cella Howard; and

Whereas, Wilbur graduated from Sexton High School in Lansing and attended Michigan State University, obtaining his bachelor's degree in social work in 1955; and

Whereas, Before his work in Lansing, Mr. Howard was the first African American to run for the Saginaw school board. Although he was unsuccessful, he is honored in the Saginaw Hall of Fame as the first African American to run for the school board. While working for the Department of Corrections in Saginaw, Wilbur became involved with many organizations which includes: the Saginaw Frontiers International, the Saginaw Big Brothers Board of Directors, Saginaw Valley Credit Union Board of Directors, and the Saginaw Junior Chamber of Commerce; and

Whereas, Wilbur moved to Lansing in 1969, where he served as a strong proponent of civil rights in Michigan. He served both as a case supervisor and as the deputy director of the Michigan Department of Civil Rights for 27 years; and

Whereas, Friendly and caring, Wilbur Howard was able to build a consensus among people throughout Michigan for positive change. His effectiveness, integrity, and sincere goodwill created a spirit of cooperation leading to accomplishments that benefited everyone. A community leader, he was much admired and will be long remembered; and

Whereas, Wilbur Howard is survived by his daughter, Kendra Howard; his sister-in-law, Lucille Howard; sister, Jennie Washington; and many nieces and nephews; now, therefore, be it

Resolved by the Senate, That we hereby join with his family and friends in offering our words of praise as a memorial for Wilbur Howard. May his family find comfort in their faith and their memories of this fine man and his distinguished career; and be it further

Resolved, That a copy of this resolution be transmitted to the Howard family as a token of our condolences.

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

Senators Hardiman and Scott were named co-sponsors of the resolution.

Senators Johnson, Kuipers, Cropsey, Van Woerkom, Sikkema, Allen, Bishop, Stamas and Jelinek offered the following resolution:

Senate Resolution No. 289.

A resolution to urge the Michigan Education Alliance to study the feasibility of establishing a method for the state's education employees to purchase health insurance through a statewide pool.

Whereas, Rising health insurance costs constitute a major burden on school district finances and resources. Throughout the state, at every level of public education, increasingly scarce education resources are being directed away from high-need areas and into health care costs; and

Whereas, Statewide pooling of employees for health insurance purposes could possibly bring economies of scale and reduce overall health insurance costs; and

Whereas, Pooling school employees from across the state for the purposes of health care insurance may result in additional funding being made available directly for instruction costs, including teachers, technology, supplies, and support staff. An independent study to determine the effects of pooling all school district employees would likely confirm the anticipated savings; and

Whereas, The Michigan Education Alliance is comprised of the following groups:

Michigan Association of School Boards (MASB)

Michigan Education Association (MEA)

Middle Cities Education Association (MCEA)

Michigan Association of Secondary School Principals (MASSP)

Michigan Association of Intermediate School Administrators (MAISA)

Michigan Association of School Administrators (MASA)

Michigan Parent Teacher Association (MPTA)

Michigan Elementary and Middle School Principals Association (MEMSPA)

Michigan School Business Officials (MSBO)

Michigan Federation of Teachers & School Related Personnel (MFT & SRP)

Michigan Business Leaders for Education Excellence (MBLEE)

Presidents Council, State Universities of Michigan

Michigan Association of Public School Academies (MAPSA)

Michigan Association of Non-Public Schools (MANS)

Association of Independent Colleges & Universities of Michigan (AICUM)

Michigan Community College Association (MCCA)

Michigan State University College of Education, K-12 Outreach

This network represents our state's education resources at virtually all levels; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Education Alliance to conduct a study of the feasibility of creating a statewide pool comprising school district, intermediate school district, community college, and state university employees for the purposes of purchasing health benefits or the feasibility of including public school, community college, and state university employees in state employee group health plans. We urge the alliance to determine the possible cost savings from implementation of these options and urge that the findings and recommendations of the Michigan Education Alliance be reported back to a joint meeting of the Michigan Senate Education Committee and the Michigan House Education Committee. We also urge that the report be disseminated to the members of the Michigan Senate K-12 Appropriations Subcommittee and the Michigan House K-12 Appropriations Subcommittee; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Education Alliance.

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 Appropriations.

The motion prevailed.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 3:43 p.m.

3:52 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The House of Representatives has rejected the report of the Committee of Conference and has appointed Reps. Rick Johnson, Julian and Waters as second conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

August 4, 2004

Pursuant to Joint Rule 5, I have made the following appointments to the second Conference Committee on House Bill 4612:

Senator Sikkema, Senator Stamas and Senator Emerson

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:53 p.m.

4:57 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Recess

Senator Hammerstrom moved that the Senate recess until 6:15 p.m.
The motion prevailed, the time being 4:57 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:17 p.m.

7:47 p.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The House of Representatives has appointed Rep. Emmons to replace Rep. Julian as conferee.

The message was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Conference Reports

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

The House of Representatives has adopted the second report of the Committee of Conference.

The second Conference Report was read as follows:

SECOND CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 12. (1) A wagering tax is imposed on the adjusted gross receipts received by the licensee from gaming authorized under this act at the rate of 18%. If a city ~~does~~ **exercises** either of the options in subsection (4), the tax rate under this subsection shall be 8.1% and deposited in the state school aid fund to provide additional funds for K-12 classroom education. If the city rescinds or is otherwise unable to exercise 1 of the options in subsection (4), the tax rate under this subsection shall be 18%. A tax rate of 18% imposed under this subsection shall cover any period for which the city does not or is unable to exercise 1 of the options in subsection (4).

(2) The state casino gaming fund is created in the department of treasury. The fund ~~is to~~ **shall** be administered by the department in accordance with this act. Except as provided in sections 12a and 13, the ~~wagering tax~~ **taxes imposed under this section** plus all other fees, fines, and charges imposed by the state shall be deposited into the state casino gaming fund. The wagering tax is to be remitted daily by the holder of a casino license to the department of treasury by electronic wire transfer of funds. The state shall remit the city's portion of the wagering tax to the city daily by electronic wire transfer of funds as provided by this act.

(3) If the state imposes a wagering tax **under subsection (1)** equal to 18% of adjusted gross receipts, **money in** the state casino gaming fund **that is not from a tax imposed under subsections (5) to (8)** shall be allocated as follows:

(a) 55% to the city in which a casino is located for use in connection with the following:

- (i) The hiring, training, and deployment of street patrol officers.
- (ii) Neighborhood and downtown economic development programs designed to create local jobs.
- (iii) Public safety programs such as emergency medical services, fire department programs, and street lighting.
- (iv) Anti-gang and youth development programs.
- (v) Other programs that are designed to contribute to the improvement of the quality of life in the city.
- (vi) Relief to the taxpayers of the city from 1 or more taxes or fees imposed by the city.
- (vii) The costs of capital improvements.
- (viii) Road repairs and improvements.

(b) 45% to the state to be deposited in the state school aid fund to provide additional funds for K-12 classroom education.

(4) A city in which a licensee is located may do 1 of the following:

(a) In the development agreement into which the city is entitled to enter, include a provision that requires the licensee located in the city to pay the city a payment equal to 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(b) By ordinance, levy, assess, and collect an excise tax upon licensees located in the city at a rate of 9.9% of the adjusted gross receipts received by the licensee from gaming authorized under this act.

(5) Subject to subsections (6) to (8), a wagering tax in addition to the tax imposed in subsection (1) is imposed on the adjusted gross receipts received by a licensee from gaming authorized under this act at the rate of 6%. Money from the tax imposed under this subsection that has been deposited in the state casino gaming fund shall be allocated 1/3 to the city in which the licensee's casino is located for use in connection with the purposes listed in subsection (3)(a), 7/12 to the general fund, and 1/12 to the Michigan agriculture equine industry development fund. The city may collect its share of the tax under this subsection directly using 1 of the methods in subsection (4).

For a period during which the licensee is paying the city's share of the tax under this subsection directly to the city under either of the methods in subsection (4), the payment to the state casino gaming fund under this subsection shall be 4% and shall be allocated 7/8 to the general fund and 1/8 to the Michigan agriculture equine industry development fund.

(6) Subject to subsections (7) and (8), and unless an act of God, a war, a disaster, or an act of terrorism directly and substantially impacts the ability of the licensee to complete construction of its casino and casino enterprise, if a casino licensee is not fully operational by each of the following dates, the tax on the licensee under subsection (5) shall be as follows:

(a) July 1, 2009, 7%, allocated 1/2 to the general fund, 1/14 to the Michigan agriculture equine industry development fund, and 3/7 to the city in which the licensee's casino is located.

(b) July 1, 2010, 8%, allocated 7/16 to the general fund, 1/16 to the Michigan agriculture equine industry development fund, and 1/2 to the city in which the licensee's casino is located.

(c) July 1, 2011, 9%, allocated 7/18 to the general fund, 1/18 to the Michigan agriculture equine industry development fund, and 5/9 to the city in which the licensee's casino is located.

(7) Subject to subsection (8), and irrespective of whether there has been an increase under subsection (6), after a casino licensee has been fully operational for 30 consecutive days, the licensee may apply to the board for certification under this subsection. If the board determines that a licensee that makes an application under this subsection has been fully operational and in compliance with its development agreement that is in existence on July 1, 2004 or a subsequent original development agreement, for at least 30 consecutive days, the board shall certify the licensee under this subsection, and the tax imposed on the licensee under subsection (5), as adjusted, if applicable, by subsection (6), shall be, retroactive to the first day of the 30 consecutive day period that the licensee was fully operational, reduced to 1% and shall be allocated entirely to the city where the licensee operates its casino.

(8) If the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse racetracks in this state, and if video lottery is being conducted at horse racetracks in this state, the licensee is no longer obligated to pay the wagering tax under subsections (5) to (7).

(9) Notwithstanding section 9b, if the McCauley-Traxler-Law-Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation of video lottery at horse racetracks in this state, and if video lottery is being conducted at horse racetracks in this state, a casino licensee may, after obtaining approval from the board, apply to the racing commissioner for authorization to simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. A casino licensee that is authorized under this subsection shall display and allow wagering on simulcast horse races only at the licensee's casino and shall comply with all applicable provisions of the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336, rules promulgated under that act, and the written permit to conduct simulcasting and any related order issued to the licensee by the racing commissioner. Simulcasting and wagering under this subsection are under the primary control of the racing commissioner, and the racing commissioner may revoke or suspend the authorization of or take other disciplinary action against the licensee for failing to comply with a law, rule, permit, or order as required by this subsection. However, the simulcasting and wagering under this subsection is part of the licensee's casino operation under this act and subject to the same control by the board as are other parts of the licensee's casino operation. The board may take disciplinary action under section 4a against a casino licensee for failure to comply with a law, rule, permit, or order as required by this subsection.

(10) A casino licensee is entitled to the same commission from money wagered on horse races simulcast by the licensee as a race meeting licensee is entitled to receive from wagering on simulcast horse races under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336. The same taxes, fees, and other deductions shall be subtracted and paid from the licensee's commission as are subtracted and paid from a race meeting licensee's commission under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

(11) ~~(5)~~ Payments of ~~any amount required~~ to a city under **1 of the methods in** subsection (4) shall be made in a manner, at those times, and subject to reporting requirements and penalties and interest for delinquent payment as may be provided for in the development agreement ; if the payment is required under a development agreement, or by ordinance if the payment is required for a tax levied by the city. Payments required under **the method described in** subsection (4)(a) may be in addition to any other payments which may be required in the development agreement for the conveyance of any interest in property, the purchase of services, or the reimbursement of expenses. Payments to a city under **the method described in** subsection (4) shall be used by the city for the purposes listed in subsection (3)(a).

(12) ~~(6)~~ Approval by the city of a development agreement or **adoption of** an ordinance approving either casino gaming or the levy of a local excise tax ~~shall not be considered~~ **does not constitute** the granting of a franchise or license by the city for purposes of any statutory, charter, or constitutional provision.

(13) ~~(7)~~ The ~~wagering tax~~ **taxes** imposed under ~~subsection (1)~~ **this section** and any tax imposed under section 13(2) shall be administered by the department of treasury in accordance with 1941 PA 122, MCL 205.1 to 205.31, and this

act. In case of conflict between the provisions of 1941 PA 122, MCL 205.1 to 205.31, and this act, the provisions of this act shall prevail.

(14) ~~(8)~~ Funds from this act shall not be used to supplant existing state appropriations or local expenditures.

(15) As used in this section:

(a) "Fully operational" means that a certificate of occupancy has been issued to the casino licensee for the operation of a hotel with not fewer than 400 guest rooms and, after issuance of the certificate of occupancy, the casino licensee's casino, casino enterprise, and 400-guest-room hotel have been opened and made available for public use at their permanent location and maintained in that status.

(b) "Michigan agriculture equine industry development fund" means the Michigan agriculture equine industry development fund created in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Enacting section 1. This amendatory act takes effect September 1, 2004.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend the Initiated Law of 1996, entitled "An act to provide for the licensing, regulation, and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming related equipment and supplies, and persons who participate in gaming; to provide the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the state of Michigan; to vest authority for the licensing, regulation, and control of casino gaming in the Michigan gaming control board; to restrict certain political contributions; to establish a code of ethics for certain persons involved in gaming; to create certain funds; to impose and authorize certain taxes and fees; to impose penalties; to authorize conservators under certain circumstances; and to make an appropriation," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

Rick Johnson
Judy Emmons
Mary Waters
Conferees for the House

Kenneth R. Sikkema
Tony Stamas
Robert L. Emerson
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,

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 conference report,

The second conference report was not adopted, 3/4 of the members serving not voting therefor, as follows:

Roll Call No. 604

Yeas—28

Allen	Clarke	Hammerstrom	Prusi
Basham	Cropsey	Hardiman	Schauer
Bernero	Emerson	Jelinek	Sikkema
Birkholz	Garcia	Johnson	Stamas
Brater	George	Kuipers	Switalski
Brown	Gilbert	McManus	Toy
Cherry	Goschka	Olshove	Van Woerkom

Nays—6

Bishop	Jacobs	Patterson	Sanborn
Cassis	Leland		

Excused—1

Thomas

Not Voting—3

Barcia

Clark-Coleman

Scott

In The Chair: President

Senator Hammerstrom moved to reconsider the vote by which the conference report was not adopted.
 The question being on the motion to reconsider,
 Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.
 The motion prevailed.

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

House Bill No. 4612, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 1997 PA 69.

(The conference report was not adopted earlier today and the motion to reconsider the vote postponed. See p. 1520.)

The question being on the motion to reconsider the vote by which the conference report was not adopted,
 The motion prevailed.

The question being on the adoption of the conference report,

The second conference report was adopted, 3/4 of the members serving voting therefor, as follows:

Roll Call No. 605**Yeas—30**

Allen
 Barcia
 Basham
 Bernero
 Birkholz
 Brater
 Brown
 Cherry

Clarke
 Cropsey
 Emerson
 Garcia
 George
 Gilbert
 Goschka
 Hammerstrom

Hardiman
 Jacobs
 Jelinek
 Johnson
 Kuipers
 McManus
 Olshove

Prusi
 Schauer
 Sikkema
 Stamas
 Switalski
 Toy
 Van Woerkom

Nays—6

Bishop
 Cassis

Leland
 Patterson

Sanborn

Scott

Excused—1

Thomas

Not Voting—1

Clark-Coleman

In The Chair: President

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 Bishop as Chairperson.

Recess

Senator Hammerstrom moved that the Committee of the Whole recess subject to the call of the Chairperson.
The motion prevailed, the time being 8:00 p.m.

9:16 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Bishop.

During the recess, Senator Thomas entered the Senate Chamber.

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:

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 373, 375, 403a, 404b, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 472, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.472, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, section 412a as amended by 1989 PA 268, sections 413a and 414a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 420 and 421; and to repeal acts and parts of acts.

Substitute (S-5).

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

1. Amend page 16, line 21, after "section." by striking out the balance of the subsection and inserting:

"(4) For a first class school district that was a qualifying school district under part 5a at the time of a decennial census, if a redetermination was not made after that decennial census, the voting district boundary lines in effect immediately before that decennial census shall be used for the purposes of electing school board members under section 412a at the first election of school board members after the election under section 410. A redetermination based on that decennial census shall subsequently be made by the school board as provided in this section not later than 3 months after election of the school board." and renumbering the remaining subsection.

2. Amend page 23, line 8, after "city" by inserting "**with the greatest population**".

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4508

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

The following bill was read a third time:

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 3, 373, 375, 403a, 404b, 411a, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 471a, 472, 483a, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.411a, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.471a, 380.472, 380.483a, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added and section 471a as amended by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, sections 411a and 412a as amended by 1989 PA 268, sections 413a, 414a, and 483a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 403, 404, 410, 412, 416a, 420, and 421; and to repeal acts and parts of acts.

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. 606

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Protests

Senators Scott and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4508 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

You know, the author of this bill said it was wrong in 1999 to take away their right to vote. Well, let me tell you that what you’re doing here tonight is wrong. So two wrongs don’t make a right, do they? Give Detroiters what you promised them in 1999.

Yes, it’s term limits, but most of us were here then, and there are many of us who spoke against it at the time because the schools were doing well. But they had \$1.5 billion of bonds, and folks could just see them getting all of those contracts. Well, that’s what they did, and a lot of Detroiters didn’t even get the contracts.

Well, you have an opportunity tonight to make that wrong that you did in 1999 to make it right. Give them what you promised them. That’s why so many people don’t believe in government today because we’re always changing to suit ourselves. Well, give Detroiters that right to vote tonight. I’m asking my colleagues. They have a choice. You gave them that choice in 1999, and you told them they could implement it in 2004—November—just a few months away. So give them that opportunity to do that.

My colleagues, it’s in your hands tonight, and I hope that you will allow them that opportunity so that they will vote; that they will believe in government once again.

Senator Clark-Coleman’s statement is as follows:

Mr. President, let me just say that there’s choice that someone dreamed up; someone designed for the people in the city of Detroit, and there’s the choice that you promised them five years ago. Why is it that at the eleventh hour you want to change the rules of the game? If this is such a great choice, then why didn’t we have this five years ago?

It looks like the citizens in the city of Detroit are being manipulated, and they are being manipulated. This is an extension of the takeover. It is perceived like that. It is opposed in my city by major groups. The Council of Baptist Pastors, 400 churches, in my city oppose this—openly oppose this. It is opposed by the NAACP, who did a poll throughout our city of 1,600 people, and the majority of them opposed any change to this. It is being also opposed by organized labor. It is opposed by a number of citizen groups. They want Lansing to leave them alone. They want Lansing to allow them to make a decision. Please stop making decisions for us. I just talked a few minutes ago with the head of the NAACP. He says this is an affront; this is discriminatory. The first thing tomorrow morning, they will be out with a press conference to talk about how this is discriminatory.

We are in Detroit—this is very emotional. The sore that you created back in 1999 hasn’t even healed. And once again, you are trying to open it up just a little bit wider. What is wrong with you just keeping your word and just letting us do what you promised us five years ago? Is it that you don’t trust the citizens of Detroit? Are they imbeciles that they can’t make a decision; you have to make a decision for us? You have to frame something for us to vote on? You did this. You created this monster, so now you want to change the head of the monster because you don’t trust Detroiters to think for themselves. This is disgusting. This is insulting to my people. You ought to leave it alone. You ought to let them have their choice, and make their vote based on the legislation where you promised them five years ago: If you don’t like it, you can vote to go to a fully-empowered school board.

This compromise is not a fully-empowered school board. People will run for office. They will spend a whole bunch of money, they’ll get in there, and they’ll have no power over the superintendent to set mission goals and objectives. If they set them, how do they enforce them? If the superintendent is answering to a mayor who will dangle him on a string, and if he doesn’t do as the mayor says, he will be gone. Do you really want to take away the independence of the superintendent to be able to do his job? The superintendent ought to be freed up to be able to do his job without worrying about the politics and stuff that one person can heap upon this superintendent. We are trying to protect this guy. We want to protect our children from all of this political stuff that will go with, all of sudden, allowing the mayor to control the superintendent. You know in your districts you don’t allow that to happen. You know that, and you know what comes when you do that.

So I’m just asking you to treat us like you treat your communities. Oppose this bill, just leave it alone, and let us go and have the people in Detroit vote. They might vote for an appointed board, but let them. They might just keep it, but let them. They will feel better if they can make that decision. You made a promise; keep your promise. Let them go to the polls and vote as to what they want. If they vote for an appointed board, they will buy into it. They will take ownership into it. But if Lansing keeps on denying them a chance to be treated like everybody else, then you know what’s going to happen. They’re going to resent it. Lansing, once again, is dictating to the citizens in my city. What is it that we have to be treated so differently than your cities? You love your schools. We love our schools. We want our superintendent to be independent. You want yours to be independent. We don’t want the mayor to be able to dangle him on a rope—on a string—and make him dance to his tune. If he doesn’t do some political favor for somebody, then he might be out. Is that what you want to happen to the superintendent?

I'm saying to you to think about what kind of control you are giving to the mayor over the superintendent. Let the people decide. The people have been real clear that they don't want no tinkering; they don't want any tweaking; they don't want anything. They want what you promised them, which is to vote straight up either elected or appointed.

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

The motion prevailed.

Senator Thomas' statement is as follows:

Mr. President and colleagues, the bill before you gives the voters of Detroit a choice. They will have a choice this November whether or not to go back to a traditional school board, or they will have a choice to continue with a former reform. It ends the discussion of voting rights, and it begins the discussion—a very positive discussion—about what is the best way to educate kids in Detroit.

The past five years have been very painful. Clearly, you have heard the pain expressed by my colleagues. However, it is time for us to put that pain behind us and have a fair and reasonable dialog about what is the best way to educate kids in Detroit.

When you adopt this legislation, the citizens of Detroit have a choice. They have two choices, and both choices have elected school boards. So now we can have a fair and reasonable conversation about which way we think is the best way to educate kids. You're not taking away anybody's right to vote. You're not doing anything wrong. You're simply giving the voters of Detroit a choice, and we will exercise our choice. We will exercise our democracy. We will stand up, and we will vote. We will vote one way, or we will vote the other way, but we will vote and we will choose. Whether or not you support what I'm doing or not, you're simply giving the voters of Detroit a choice—a choice that they will make. We will have that discussion and we will educate kids in Detroit and we will give our city a chance to succeed.

By unanimous consent the Senate returned to the order of

Messages from the House

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

House Bill No. 5876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3503, 4105, 6516, 6517, 6521, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 61525, 62509, 63103a, 63103c, 63514, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.61525, 324.62509, 324.63103a, 324.63103c, 324.63514, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 1995 PA 171, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 63514, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, sections 63103a and 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, and 1311.

The bill 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 following bill be placed at the head of the Third Reading of Bills calendar:

House Bill No. 5876

The motion prevailed.

Senator Schauer moved that Senator Thomas be excused from the balance of today's session.
The motion prevailed.

The following bill was announced:

House Bill No. 5876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3503, 4105, 6516, 6517, 6521, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 61525, 62509, 63103a, 63103c, 63514, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.61525, 324.62509, 324.63103a, 324.63103c, 324.63514, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 2004 PA 246, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 63514, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, sections 63103a and 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, and 1311.

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 question being on the passage of the bill,

Senator Hammerstrom moved to reconsider the vote by which the amendments offered by Senator Sanborn were adopted.

The motion prevailed.

Senator Sanborn offered the following substitute:

Substitute (S-1).

The substitute 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. 607

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	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

Nays—0

Excused—1

Thomas

Not Voting—0

In The Chair: President

Senator Sanborn offered to amend the title to read as follows:

A bill 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 3104, 3503, 4105, 6516, 6517, 6521, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 61525, 62509, 63103a, 63103c, 63514, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.61525, 324.62509, 324.63103a, 324.63103c, 324.63514, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 2004 PA 246, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 63514, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, sections 63103a and 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, and 1311.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 267, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate substitute (S-2) to the House substitute (H-1) and agreed to the title as amended.

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

By unanimous consent the Senate returned to the order of

Resolutions**House Concurrent Resolution No. 66.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Wednesday, August 4, 2004, they stand adjourned until Wednesday, August 25, 2004 at 10:00 a.m.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

Committee Reports

The Committee on Commerce and Labor reported

Senate Resolution No. 285.

A resolution to express support for the U.P. Entrepreneurship Development System grant application to the W.K. Kellogg Foundation.

(For text of resolution, see Senate Journal No. 69, p. 1435.)

With the recommendation that the resolution be adopted.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Schauer and Olshove

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Wednesday, August 4, 2004, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Allen (C), Schauer and Olshove

Excused: Senators Kuipers and McManus

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Casino Tax (HB 4612) submitted the following:

Meeting held on Tuesday, August 3, 2004, at 4:00 p.m., Room 424, Capitol Building

Present: Senators Sikkema and Stamas

Absent: Senator Emerson

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:11 p.m.

Pursuant to House Concurrent Resolution No. 66, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, August 25, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate