

No. 16
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, February 18, 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—excused
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Samuel Buzz Thomas III of the 4th District offered the following invocation:

Luke 6: 20-31: "And He lifted up His eyes on His disciples, and said: 'Blessed are you poor, for yours is the kingdom of God. Blessed are you that hunger now, for you shall be satisfied. Blessed are you that weep now, for you shall laugh. Blessed are you when men hate you, and when they exclude you, and revile you, and cast out your name as evil, on account of the Son of Man. Rejoice in that day and leap for joy! For behold, your reward is great in heaven; for so their fathers did to the prophets.

But woe to you that are rich, for you have received your consolation. Woe to you that are full now, for you shall hunger. Woe to you that laugh now, for you shall mourn and weep. Woe to you when all men speak well of you, for so their fathers did to the false prophets.

But I say to you that hear: Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you. To him that strikes you on the cheek, offer the other also. And from him who takes away your coat, do not withhold even your shirt. Give to everyone who begs from you. And of him who takes away your goods, do not ask them again. And as you wish that men would do to you, do so to them.'"

In Your name we pray. Amen.

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

Motions and Communications

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

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Kuipers admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:12 a.m.

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

During the recess, Senators Kuipers and Sikkema introduced to the Senate the Grand Valley State University Football Team, 2003 NCAA Division II National Champions, and Coach Chuck Martin, and presented them with a Special Tribute.

Coach Martin responded briefly.

The following communication was received:
Department of Transportation

February 10, 2004

Public Act of 1993, Number 69, titled "Michigan Heritage Routes" requires the Michigan Department of Transportation (MDOT) to report to the governor and the legislature those routes designated as Michigan Heritage Routes during the preceding year.

We are pleased to report that US-23, from Standish to Mackinaw City, has been designated as the Sunrise Side Coastal Heritage Route. Designation as a Michigan Heritage Route signifies that local government agencies, businesses, property owners, and MDOT have teamed together to preserve, improve, and promote this route as an example of one of the most rewarding travel experiences in our state. This portion of US-23 has long been a favorite destination for travelers, accessing some of the most extensive and significant recreational, scenic, ecological, historical, and cultural resources in Michigan.

Adding this route brings the total number of designated Michigan Heritage Routes to 13. Included are:

1. M-1
2. Woodward Avenue in Wayne and Oakland Counties (the only Michigan Heritage Route also designated as a National Byway)
3. US-2 in Iron County
4. I-94BL in the City of Marshall
5. US-41 in Keweenaw County (northern portion)
6. M-123 in Chippewa and Luce Counties
7. M-125 in the City of Monroe
8. A section of M-25 in Bay City
9. M-15 from Clarkston to Bay City
10. M-179 in Allegan and Berry Counties
11. M-22 in Leelanau County
12. M-119 in Emmet County
13. US-12 in the Village of Clinton and Clinton Township

The Michigan Heritage Route program is a public/private partnership that focuses on quality of life issues identified through the application process. We invite you to share our enthusiasm for this program.

If you have any questions, please contact either me or Susan P. Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,
Gloria J. Jeff
Director

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, February 17:
House Bill Nos. 5434 5440 5476

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, February 17, for her approval the following bills:

Enrolled Senate Bill No. 334 at 11:44 a.m.

Enrolled Senate Bill No. 826 at 11:46 a.m.

The Secretary announced that the following official bills were printed on Tuesday, February 17, and are available at the legislative Web site:

Senate Bill Nos. 998 999 1000

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointment:

Commission of Agriculture

Ms. Ann M. Jousma-Miller, a Democrat, of 1716 North Lakeshore Drive, Gladstone, Michigan 49837, county of Delta, succeeding Nora M. Viau, whose term has expired, for a term commencing December 31, 2003 and expiring December 31, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Messages from the Governor

Senator Bernero entered the Senate Chamber.

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540

Senate Bill No. 283

Senate Bill No. 464

Senate Bill No. 466

Senate Bill No. 395

Senate Bill No. 474

The motion prevailed.

Commission of Agriculture

Ms. Ann M. Jousma-Miller, a Democrat, of 1716 North Lakeshore Drive, Gladstone, Michigan 49837, county of Delta, succeeding Nora M. Viau, whose term has expired, for a term commencing December 31, 2003 and expiring December 31, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 61

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

Messages from the House

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

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 806

Senate Bill No. 502

Senate Bill No. 57
Senate Bill No. 497
Senate Bill No. 498
Senate Bill No. 499
Senate Bill No. 500
Senate Bill No. 715
Senate Bill No. 785
 The motion prevailed.

House Bill No. 4463, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q. The House of Representatives has amended the Senate substitute (S-1) as follows:
 1. Amend page 2, line 17, by striking out all of enacting section 1.
 The House of Representatives has concurred in the Senate substitute (S-1) as amended.
 Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 512, entitled

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), and section 19 as amended by 2002 PA 325.
 Substitute (H-3).
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 62

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

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. 513, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, 18, 19, and 21 (MCL 456.522, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, 456.538, 456.539, and 456.541), the title and sections 2, 8, 12, 12a, 13, 15, 16, 18, 19, and 21 as amended by 1982 PA 132, section 9 as amended by 2002 PA 550, and section 10 as amended by 1982 PA 289.

Substitute (H-2).

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

Roll Call No. 63

Yeas—37

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

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

Senate Bill No. 800, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 5, 8, 24, 28, 39, 41, 41a, 42, 44, 45, 45a, 49, 50, 52, and 53 (MCL 24.205, 24.208, 24.224, 24.228, 24.239, 24.241, 24.241a, 24.242, 24.244, 24.245, 24.245a, 24.249, 24.250, 24.252, and 24.253), sections 5, 8, 24, 41a, 42, 44, 45, 52, and 53 as amended and sections 28, 39, and 45a as added by 1999 PA 262 and section 41 as amended by 1993 PA 141.

Substitute (H-1).

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

Roll Call No. 64**Yeas—37**

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

Nays—0**Excused—1**

Scott

Not Voting—0

In The Chair: President

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

Third Reading of Bills

The following bill was read a third time:

House Bill No. 5154, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8303, 8304, 8306, and 8316 (MCL 324.8303, 324.8304, 324.8306, and 324.8316), sections 8303, 8304, and 8306 as amended by 2002 PA 418.

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. 65**Yeas—37**

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

Nays—0

Excused—1

Scott

Not Voting—0

In The Chair: President

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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 Clarke as Chairperson.

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

House Bill No. 4675, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

Substitute (S-5).

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

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

Senate Bill No. 559, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

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.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

Senator Prusi offered the following resolution:

Senate Resolution No. 216.

A resolution to urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in the country's national forests.

Whereas, The timber growing in our country's national forests is extremely valuable not only because of its recreational appeal and commercial uses, but also because these renewable resources are a cornerstone of the local economy in many ways. Sound management of the forests, especially harvesting timber to an extent that maximizes the health of the forests, is vitally important to using these acres in the most productive and far-sighted manner; and

Whereas, Declining timber yields have become a pressing issue in federal forestlands. Apart from economic considerations, this decline has contributed to increased risks of wildfires and insect damage. The current management strategies in place for our national forests are clearly inadequate; and

Whereas, The timber harvested from Michigan's national forestlands plays a central role in the strength of the local economies. Michigan counties receive payments that amount to 25 percent of stumpage receipts, in addition to payments made in lieu of taxes. The money sent to the local units is vital to the operation of area schools and the maintenance of roads; and

Whereas, In spite of plans that call for far higher levels of timber harvest, the national forests located in Michigan have all yielded significantly lower harvests than the targeted quantities in recent years. In Fiscal Year 2003, 26.7 million board feet (MMBF) were harvested from the Hiawatha National Forest out of an allowable sale quantity of 70 (MMBF); 36.7 MMBF were harvested from the Huron Manistee National Forest out of the allowable quantity of 82.2 MMBF; and 55.9 MMBF was the harvested volume out of a target of 78 MMBF from the Ottawa National Forest; and

Whereas, Many factors argue for revising the strategies used to manage the timber of our national forestlands. The significant risks to our forest resources of current actions and policies demonstrate the need for a revision of forest management policies. The need to increase timber production is clearly evident on many levels, including the impact that this activity has on local schools, roads, and services. A much more active approach to management of the forest, including significantly increasing timber harvests, is necessary; now, therefore, be it

Resolved by the Senate, That we urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in our country's national forests to encourage increased timber production consistent with sustainable growth; and be it further

Resolved, That copies of this resolution be transmitted to the United States Forest Service.

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 Agriculture, Forestry and Tourism. The motion prevailed.

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

Senate Resolution No. 217.

A resolution to memorialize the Congress of the United States to renew the Temporary Emergency Unemployment Compensation program.

Whereas, In spite of indicators in some categories of a strengthening economy, for the millions of Americans who are out of work, this is a time of personal economic crisis. The safety net provided by the federal Temporary Emergency Unemployment Compensation program expired on December 21, 2003, thereby putting many American workers and families in a more difficult position; and

Whereas, The extent of job losses for the working families of this country is especially acute in states that rely upon manufacturing as a major source of jobs. Nowhere is this problem more severe than in Michigan. Our state suffers from the highest level of joblessness among industrial states, with a rate of unemployment at 7.2 percent for December. Over the past year, while there have been some signs of economic growth elsewhere, Michigan's unemployment rate grew, with our current rate a full percentage point higher than 12 months ago; and

Whereas, Among the tools that are available to stimulate the overall economy of our nation, extending unemployment benefits for American workers is clearly a wise step to take. All of these funds would go toward the immediate purchase of goods and services, unlike other stimulus strategies that have been used. Most importantly, the millions of people looking for work face hardships that could cause serious problems in their families and communities. A nation of our resources and spirit must do all it can to invest in its people; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to renew the Temporary Emergency Unemployment Compensation program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolutions 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 Commerce and Labor. The motion prevailed.

Introduction and Referral of Bills

Senators Hardiman, Birkholz, Gilbert, Cropsey, Goschka, Cherry, Kuipers and Brown introduced **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 bill was read a first and second time by title and referred to the Committee on Finance.

Senators Cherry, Jacobs, Hardiman, George, Birkholz, Cropsey, Goschka, Kuipers and Brown introduced **Senate Bill No. 1002, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators George, Birkholz, Hardiman, Gilbert, Cropsey, Goschka, Cherry, Kuipers, Brown and Garcia introduced **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 bill was read a first and second time by title and referred to the Committee on Finance.

Senators Cherry, Jacobs, Goschka and Birkholz introduced

Senate Bill No. 1004, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78 (MCL 211.78), as added by 1999 PA 123.

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

House Bill No. 5434, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2002 PA 486.

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 Finance.

House Bill No. 5440, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 80 (MCL 208.80), as added by 1985 PA 139.

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 Finance.

House Bill No. 5476, entitled

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

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 Education.

Statements

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

The motion prevailed.

Senator Brown's statement is as follows:

I rise to honor a young lady upon her entrance on the stage of life. She is not with us today, but all of you in this chamber, including our Governor and Lieutenant Governor, have signed a special tribute to honor this first-born that I would like to present to her proud father, my chief of staff, Ben Bodkin. Ben would you stand with me as I read this special tribute.

"LET IT BE KNOWN, that it is with great joy and excitement that the Michigan Senate welcomes the birth of Katherine Ruth Bodkin, a delightful and much anticipated addition to the family of Ben and Emily Bodkin.

It is always fitting that we celebrate the birth of another of God's children as they bring a sense of wonderment and joy to the embrace of a young family. It is especially gratifying to see how a child adds purpose, unity, and harmony to a husband and wife by helping to complete the family circle, the laboratory of love. When Katherine Ruth Bodkin was born into this world on January 22, 2004, at 2:10 p.m. she captured the hearts of her parents, grandparents, and extended family. Katherine is described by her father Ben as having 'tons of curly, black hair,' and being 'absolutely gorgeous.' Ben's parents, Larry and Pam Bodkin of Fort Wayne, Indiana, and Jan and Art Kinane of San Diego, California, and Emily's parents, Ruth and Randy King of Sturgis, Michigan, join in this wonderful celebration and welcome another 'Honorary Hoosier Fan' to the world of 'Green and White.'

IN SPECIAL TRIBUTE, Therefore, it is with great pride that we honor the birth of Katherine Ruth Bodkin. She will surely add joy and pride to the Bodkin household, and she will serve to remind all of us of the power of God's love."

And it is signed by every member of the Senate, signed by you, Mr. President, and our Governor.

Senator Switalski's statement is as follows:

I would like to bring the Senate's attention to the fine work of the Michigan Court of Appeals is doing under its delay reduction plan. Legislators recently received progress report Number 7 from the court, which details progress made in reducing the significant backlog at the Court of Appeals. This report should be filed under the tab, "What you get for your tax dollar." Justice delayed is justice denied, and although the court disposed of some 7,600 cases in 2001, it took an average of 653 days for each case to be adjudicated.

As a result of the package of fee bills proposed by the Supreme Court and adopted by this Legislature last year, the Court of Appeals got an additional \$500,000 to reduce its backlog. This report details how the court has reduced the time it takes to dispose of a case by nearly 100 days. The court's objective is to reduce overall processing time from 653 days in 2001 to an ultimate goal of 300 days for 95 percent of its cases.

I commend the court for its progress and stand ready to assist them in further initiatives toward achieving their important goal.

Committee Reports

The Committee on Transportation reported

Senate Bill No. 241, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1067.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 4887, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka
Nays: Senator Leland
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:
Meeting held on Tuesday, February 17, 2004, at 1:08 p.m., Room 100, Farnum Building
Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

The Committee on Commerce and Labor reported

Senate Bill No. 647, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 6 and 29 (MCL 408.1006 and 408.1029) and by adding section 32.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers and McManus
Nays: Senators Schauer and Olshove
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:
Meeting held on Tuesday, February 17, 2004, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
Meeting held on Friday, February 13, 2004, at 1:00 p.m., Fairlane Club, 5000 Fairlane Woods Drive, Dearborn
Present: Senators Bishop (C), Sanborn and Leland
Excused: Senators Van Woerkom, Stamas, Olshove and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Tuesday, February 17, 2004, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:
Meeting held on Tuesday, February 17, 2004, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Cropsy (C), Brown, Garcia, Switalski and Prusi

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 19, 8:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Community Colleges - Tuesdays, February 24, March 2, and March 9, 1:00 p.m., and March 16, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department - Thursdays, February 19, 2:00 p.m., Rooms 402 and 403, Capitol Building; February 26, March 4, and March 18, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

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

Higher Education - Fridays, February 20, 10:00 a.m., Oakland University, Rochester; February 27, 10:00 a.m., University of Michigan-Flint, Flint; March 5, 10:00 a.m., Cornerstone University, Grand Rapids; and March 12, 9:00 a.m., Lake Superior State University, Sault Ste. Marie (373-1760)

Judiciary and Corrections - Tuesdays, February 24, March 2, March 9, and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education - Thursday, February 26, 12:00 noon, and Wednesday, March 3, 2:00 p.m. or later immediately following the Senate Appropriations Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Natural Resources Department - Tuesdays, March 2, March 9, and March 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursday, February 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Transportation Department and Senate Transportation - Tuesday, February 24, 1:00 p.m., Room 110, Farnum Building (373-7708)

Education, Joint Senate and House - Thursday, February 19, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-6920)

Families and Human Services - Tuesday, February 24, 3:00 p.m., Room 210, Farnum Building (373-1801)

Transportation and Transportation Department Appropriations Subcommittee - Tuesday, February 24, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:53 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 19, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate