

No. 34
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, March 31, 2004.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Rabbi Adam Chalom of Birmingham Temple of Farmington Hills offered the following invocation:

We are here this morning to honor a sacred trust and a sacred duty. What is this sacred trust? To you, legislators, has been given the privilege of deciding for others how they may live their lives and what form society will take. The right to run our lives is the most important privilege of civilized adulthood and one not surrendered lightly. The people have entrusted you with this authority. It is your responsibility to live up to the sacred trust they have placed in you.

What is this sacred duty? You, elected representatives, are charged this morning with the sacred duty to improve the world, not to improve the world with prayers and hopes, but to improve the world through actions. In many ways, it is you who will warn the wicked and reward the righteous. To improve the world is the responsibility of every human being every day, and it is your responsibility on this day. We know that one side's paradise may be the other's purgatory, but the sacred trust placed in you by the people of Michigan and your sacred duty to improve the world must inspire you to work together for the common good. May you find the patience and understanding to do just this. This moment of reflection must lead to action. This day, may you seek the truth, and may you work for the betterment of humanity.

Rabbi Hillel once said, "If I am not for me, who am I? If I am for myself alone, what am I? And if not now, when? If not now, when?"

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:19 a.m.

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

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

A quorum of the Senate was present.

Motions and Communications

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Thomas 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 10:20 a.m.

10:43 a.m.

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

During the recess, in celebration of the 2004 Cesar E. Chavez Day, Senators Thomas and Garcia introduced Dorothy Gonzales, Michigan State University Trustee; Dr. Saturino Rodriguez, Director of the Cesar Chavez Commission; Marylou Olivarez-Mason, Executive Director of the Commission on Spanish-Speaking Affairs; Christine Chavez, granddaughter of Cesar Chavez; and Mariachi Everett de Lansing, who rendered musical selections.

Trustee Gonzales, Dr. Rodriguez and Ms. Chavez responded briefly.

During the recess, Senator Goschka entered the Senate Chamber.

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

March 16, 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 11:20 a.m. this date, administrative rule (04-03-01) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Hearing and Appeal Practice*," effective 7 days after filing with the Secretary of State.

March 16, 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 11:22 a.m. this date, administrative rule (04-03-02) for the Department of Labor and Economic Growth, Liquor Control Commission, entitled "*Licensing Qualifications*," effective 7 days after filing with the Secretary of State.

March 16, 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 11:24 a.m. this date, administrative rule (04-03-03) for the Department of Environmental Quality, Air Quality Division, entitled "*Dry Cleaning Establishments*," effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 31:
House Bill Nos. 5509 5516 5519 5520 5521 5522 5526 5528

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 30, for her approval the following bills:

Enrolled Senate Bill No. 841 at 4:14 p.m.
Enrolled Senate Bill No. 189 at 4:16 p.m.
Enrolled Senate Bill No. 829 at 4:18 p.m.
Enrolled Senate Bill No. 788 at 4:20 p.m.

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

Senate Bill No. 1067
Senate Bill No. 1065
Senate Bill No. 267
House Bill No. 5029

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

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

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

Senate Bill No. 1065, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

Substitute (S-1).

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

1. Amend page 17, following line 22, by inserting:

“Sec. 218. The department shall pay within 60 days of submission the full amount of any bills submitted by the auditor general for all costs incurred by the auditor general while conducting audits of federally funded programs. The department shall expend federal funds allowable under federal law to satisfy any charges billed by the auditor general.”.

2. Amend page 27, following line 1, by inserting:

“Sec. 704. (1) From the funds appropriated in part 1, there is allocated an amount not to exceed \$2,000,000.00 for a statewide before- or after-school program to provide youth with a safe, engaging environment to motivate and inspire learning outside the traditional classroom setting. Before-school programs are limited to elementary school-aged children. Effective before- or after-school programs combine academic, enrichment, and recreation activities to guide learning and inspire children and youth in various activities. The before- or after-school programs can meet the needs of the communities served by the programs.

(2) The department shall work in collaboration with the family independence agency under this section.

(3) The department shall, through a competitive bid process, provide grants or contracts up to \$2,000,000.00 for the program based on community needs. A county shall receive no more than 20% of the funds allocated under this section for this program. The use of funds under this section should not be considered an ongoing commitment of funding.

(4) The before- or after-school programs funded under this section shall include, at a minimum, at least 3 of the following topics:

- (a) Abstinence-based pregnancy prevention.
- (b) Chemical abuse and dependency including nonmedical services.
- (c) Gang violence prevention.
- (d) Academic assistance, including assistance with reading and writing.
- (e) Preparation toward future self-sufficiency.
- (f) Leadership development.
- (g) Case management or mentoring.
- (h) Parental involvement.
- (i) Anger management.

(5) The department may enter into grants or contracts with independent contractors including, but not limited to, faith-based organizations, boys or girls clubs, schools, or nonprofit organizations. The department shall grant priority in funding independent contractors who secure at least 25% in matching funds. The matching funds may either be fulfilled through local, state, or federal funds, or through in-kind or other donations.

(6) A referral to a program may be made by, but is not limited to, any of the following: a teacher, counselor, parent, police officer, judge, or social worker.

(7) By August 30, 2005, the department before- or after-school program expenditures shall be audited and the department shall work in collaboration with independent contractors to provide a report on the before- or after-school program to the senate and house standing committees dealing with human services and education, the senate and house appropriations subcommittees for this act, the senate and house fiscal agencies, and the senate and house policy offices. The report shall include the number of participants and the average cost per participant, as well as changes noted in program participants in any of the following categories:

- (a) Juvenile crime.
- (b) Aggressive behavior.
- (c) Academic achievement.
- (d) Development of new skills and interests.

- (e) School attendance and dropout rates.
- (f) Behavioral changes in school.”.

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:

Senate Bill No. 1065

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

The following bill was read a third time:

Senate Bill No. 1065, entitled

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

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

- 1. Amend page 3, following line 5, by inserting:

“State board of education, per diem payments \$ 24,400”

- 2. Amend page 3, line 19, by striking out “1,269,800” and inserting “1,294,200” and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 17, line 24, after “Sec. 301.” by inserting “(1) The appropriations in part 1 may be used for per diem payments to the state board at which a quorum is present. The per diem payments shall be at a rate as follows:

(a) State board of education - president \$ 110.00 per day

(b) State board of education - member other than president..... \$ 100.00 per day

(2) A state board of education member shall not be paid a per diem for more than 30 days per year.

(3)”.

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 182

Yeas—17

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

Nays—20

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

Excused—1

Toy

Not Voting—0

In The Chair: President

Senator Scott offered the following amendments:

1. Amend page 10, following line 27, by inserting:

“National board certification grants 100,000”

2. Amend page 11, following line 7, by inserting:

“Certification fees 100,000”

and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 27, following line 1, by inserting:

“Sec. 704. From the funds appropriated in part 1 for national board certification, the department shall pay 1/2 of the application fee for teachers who are deemed by the department to be qualified to apply to the national board for professional teaching standards for professional teaching certificates or licenses and to provide grants to recognize and reward teachers who receive certification or licensure.”.

The amendments were not adopted, a majority of the members serving not 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. 183

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski's statement is as follows:

This amendment restores \$24,000 for per diems for State Board of Education members. The State Board of Education is a constitutional office established in Article 8, Section 3 and given the following duties: leadership and general supervision over all public education. There are eight members on the board. They are elected by a statewide ballot, and the \$24,000 is split among the eight members. That means they are paid the princely sum of about \$3,000 a piece for their public service. That is less than I made as a Roseville city councilman about 15 years ago.

We have heard that other boards don't get per diems, but other boards are not elected by the people of Michigan. There is a fundamental difference between the Bean Commission or the Board of Barber Examiners or the Carrot Commission and the State Board of Education. Other boards and commissions are appointed to their positions by the Governor. These people, like ourselves, run for office and are chosen by the voters. They oversee a \$65 million budget and hire the state superintendent of schools. That is an important job.

We are sending the wrong message with this cut. We are saying we don't respect the work these people do. We are sending a message that it has no value. How can we reconcile this action with our frequent pronouncements that education is our top priority? You can disagree with the board. I disagree with them frequently and overrule them on policy when it is appropriate. But that is different from disrespecting them and the job they do. Now I know these are tough budget times. There are only 3 million state dollars in this whole budget, but the bill before us is \$62,000 below the Governor's recommendation. Restoring this item will still leave us \$40,000 below the Governor's recommendation. I implore the Senate to adopt this amendment and restore this small, but symbolic, reimbursement.

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 Kuipers as Chairperson.

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

Senate Bill No. 1069, entitled

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

Substitute (S-1).

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

1. Amend page 144, line 27, after "**30**" by inserting "**additional**".
2. Amend page 145, line 2, after "**to**" by inserting "**unusual and extenuating occurrences resulting from**".

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:

Senate Bill No. 1069

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

The following bill was read a third time:

Senate Bill No. 1069, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b, and 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b, and 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15

and 18a as amended by 1996 PA 300, sections 21b and 152 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding section 146; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 21, line 16, by striking out “\$138,600,000.00” and inserting “\$146,274,000.00”.
2. Amend page 90, line 16, after “exceed” by striking out “\$3,326,000.00” and inserting “\$10,000,000.00”.
3. Amend page 115, following line 14, by inserting:

“Sec. 61b. (1) From the appropriation in section 11, there is allocated for 2004-2005 an amount not to exceed \$1,000,000.00 for strategic planning grants to intermediate districts or consortiums of intermediate districts for the purpose of planning for the operation of learn to earn centers. The amount of each planning grant shall not exceed \$100,000.00. An intermediate district or consortium of intermediate districts shall provide at least 100% local match. An application for a planning grant shall be made in a form and manner prescribed by the department.

(2) As used in this section:

(a) “Career cluster” means a grouping of occupations from 1 or more industries that share common skill requirements.

(b) “Career preparation system” is a system of programs and strategies providing pupils with opportunities to prepare for success in careers of their choice.

(c) “Eligible pupil” means a pupil that:

(i) Is at least 15 years of age on December 1 and less than 20 years of age on September 1 of the school year.

(ii) Has dropped out of school and is not counted in the membership of a district.

(iii) Has not obtained a high school diploma or a general education development (G.E.D.) certificate.

(d) “Intermediate district average weighted foundation allowance” means the average foundation allowance per membership pupil, calculated by averaging the foundation allowances per membership pupil of the intermediate district’s constituent districts or consortium of intermediate district’s constituent districts, weighted as to the membership. However, the intermediate district weighted average foundation allowance for an intermediate district or consortium of intermediate districts shall not exceed \$6,500.00 as adjusted each year by an amount equal to the dollar amount of the difference between the basic foundation allowance for the current state fiscal year and \$5,000.00, minus \$200.00.

(e) “Learn to earn center” means a high school operated by an intermediate district or consortium of intermediate districts that is part of a career preparation system and has implemented a career development process that allows eligible pupils to receive a high school diploma.

(3) A strategic plan resulting from the planning grants awarded under this section shall contain at least the following components:

(a) Evidence that the learn to earn center is part of a comprehensive career preparation system as demonstrated by:

(i) The active involvement of employers, labor representatives, and postsecondary institutions in the delivery of education services to eligible pupils.

(ii) The provision of dual enrollment opportunities and articulation agreements with postsecondary institutions.

(iii) The provision of experiential school-based and work-based learning opportunities that connect pupils with workers and experts in various career clusters.

(b) Evidence that the learn to earn center will adopt curricula that:

(i) Includes at least English language arts, math, science and social studies.

(ii) Integrates academic and technical content by career clusters in a career pathways structure that is consistent with the standards and benchmarks established by the department of labor and economic growth.

(iii) Uses research-based instructional practices and advanced technology in the delivery of educational services to eligible pupils.

(iv) Provides entrepreneurship training to eligible pupils who are interested in operating their own businesses.

(c) Evidence that the learn to earn center recognizes the needs of its unique pupil population by:

(i) Adopting a comprehensive guidance and counseling program, consistent with the standards and benchmarks established by the department of labor and economic growth.

(ii) Considering the provision of flexible scheduling and support services, such as English as a second language, childcare and transportation.

(d) Evidence that the learn to earn center will develop and maintain an education development plan to document each pupil’s educational and career plans that is consistent with the standards and benchmarks established by the department of labor and economic growth.

(e) Evidence that the learn to earn center will adopt career awareness, exploration and assessment processes that assist pupils in identifying their career pathway goals and that are consistent with the standards and benchmarks established by the department of labor and economic growth.

(f) Evidence that the learn to earn center will use the Michigan educational assessment program assessments and other assessment tools approved by the department for measuring student academic achievement.

(g) Other components determined jointly by the department and the department of labor and economic growth.

(4) Strategic plans shall be submitted to the department no later than October 15, 2004. The department and the department of labor and economic growth shall review the strategic plans and approve those plans that are determined to best meet the educational and career needs of eligible pupils no later than November 15, 2004.

(5) Beginning in 2004-2005, those intermediate districts or consortium of intermediate districts with approved strategic plans shall be eligible to receive an intermediate district average weighted foundation allowance, as adjusted under subsection (6), for each eligible pupil in membership enrolled in a program operated by the intermediate district or consortium of intermediate districts that is in compliance with an approved strategic plan.

(6) Payments provided for in subsection (5) shall be adjusted as follows:

(a) Eighty percent shall be paid for enrollment of eligible pupils. Enrollment for the purposes of this subsection includes the development of an education development plan for each pupil enrolled on the pupil membership count day or the supplemental count day, as applicable.

(b) Twenty percent shall be paid for:

(i) An increase of at least 1 grade level of proficiency in reading or mathematics as measured by a pretest and posttest; or

(ii) The satisfactory completion of a course required in order to attain a high school diploma; or

(iii) The attainment of a high school diploma.

(7) Beginning in 2004-2005, intermediate districts or consortium of intermediate districts may award a high school diploma to an eligible pupil who successfully completes learn to earn center requirements established in accordance with state law for high school graduation.

(8) The department, in collaboration with the department of labor and economic growth, shall do at least all of the following:

(a) Develop and provide guidelines to intermediate districts for the development of strategic plans.

(b) Implement a strategic planning grant submission and approval process.

(c) Identify approved assessment tools for measuring pupil achievement.” and adjusting enacting section 1 accordingly.

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 184

Yeas—16

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

Nays—21

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

Excused—1

Toy

Not Voting—0

In The Chair: President

Protest

Senator Birkholz, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Cherry to Senate Bill No. 1069.

Senator Birkholz's statement is as follows:

My intermediate school districts are using that discretionary money now to support their early childhood programs, and by voting for the amendment, we would have been divvying up the money in smaller pieces. Therefore, they would not have as much money at their discretion to use for early childhood programs.

Senator Switalski offered the following amendments:

1. Amend page 21, line 16, by striking out “**\$138,600,000.00**” and inserting “**\$143,500,000.00**”.
2. Amend page 69, line 22, by striking out “**\$304,300,000.00**” and inserting “\$314,200,000.00”.
3. Amend page 130, line 18, after “(1)” by striking out the balance of the subsection through “**from**” on line 22 and inserting “**From**”.
4. Amend page 166, line 21, after “at” by striking out “\$11,172,322,200.00” and inserting “\$11,177,222,200.00”.
5. Amend page 166, line 23, after “at” by striking out “\$11,114,433,700.00” and inserting “\$11,119,333,700.00”.

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 185**Yeas—17**

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

Nays—20

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

Excused—1

Toy

Not Voting—0

In The Chair: President

Senator Scott offered the following amendments:

1. Amend page 21, line 16, by striking out “\$138,600,000.00” and inserting “\$153,600,000.00”.
2. Amend page 54, line 13, after “subsection.” by striking out the balance of the subsection.
3. Amend page 63, line 11, by striking out “\$2,905,000,000.00” and inserting “\$2,920,000,000.00” and adjusting the totals in enacting section 1 accordingly.

The amendments were not adopted, a majority of the members serving not 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. 186

Yeas—31

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

Nays—6

Clark-Coleman	Emerson	Scott	Thomas
Clarke	Leland		

Excused—1

Toy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Emerson, Thomas, Scott, Clark-Coleman and Leland, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1069.

Senators Emerson, Thomas, Scott and Clark-Coleman moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Emerson’s first statement, in which Senator Clark-Coleman concurred, is as follows:

I rise to oppose the passage of this bill not because I think people did a terrible job. I think the committee did a reasonably decent job of trying to deal with the budget that is short of revenue. However, I object to some of the philosophical statements embodied in this bill, one in which reduces at-risk money, which is money for poor children to help try to ensure they have equal opportunities, while at the same time, we fully restored funding to Section 20j, which provides money to the wealthiest school districts in the state. I think that is philosophically the wrong direction

to go to take money from poor children to give to wealthy districts. I think that is a mistake, and I do not want to support that philosophical statement. I have supported funding Section 20j as I have supported funding at-risk. I think it's wrong to cut either one of them, but when you have to take a look at priorities and what your priorities are, it seems to me to be a very easy choice to make to support giving poor children an equal opportunity and not take money from those children to support the wealthiest, highest-spending school districts in this state.

I also cannot support removing money from the intermediate school districts for early childhood education because, along the same lines of at-risk funding, I think it is important that we try to ensure that all children have the ability and the opportunity for equality in this country. We know, and I think almost everyone here agrees, that it is only through education that we will ever achieve that equality, and not ensuring that by taking away a program that ensures some children have the ability for early childhood education is not something that I can support.

I also have real concerns that this budget, because we still maintain the foundation level at the same level as last year, shifts a considerable cost to local school districts without any consideration of the cuts that will have to be made there because of the increased costs in retirement. I'm told that this year the retirement system is going to be asking school districts to contribute about \$100 per student in new additional retirement costs. I think that if we are serious about making education our No. 1 priority, and yesterday we could find a half billion dollars of phony money to pass the Community Health budget, it seems to me that if education is our No. 1 priority, we probably ought to be taking care of those increased costs for retirement. Because of those issues, I will be voting "no" on this bill.

Senator Emerson's second statement, in which Senator Clark-Coleman concurred, is as follows:

I guess if I referred to them as wealthy school districts, not all of them are wealthy, and I would apologize to those few that he pointed out that are not wealthy. But he forgot to include Farmington, Birmingham, Bloomfield, Troy, Rochester, and some of the other poor school districts. I think in my comments I did try to make clear, and I may not have absolutely made it clear, that these were the highest-spending school districts, not necessarily the wealthiest because there are a few exceptions. We can hide behind those exceptions, but still the point is that we are taking money away from the education of the poorest children in this state and giving it to the highest-spending school districts in this state.

Senator Thomas' statement, in which Senators Scott, Leland and Clark-Coleman concurred, is as follows:

I commend the distinguished chair and vice chair of the committee for their work. Reluctantly, I must oppose the bill for many of the reasons outlined by the Senate Democratic Leader. Obviously, taking away at-risk funds for districts across the state disproportionately impacts my community. I rise particularly in opposition because of the removal of the \$15 million for the city of Detroit. Quite simply, in 1999 when the Legislature implemented its reform experiment in the Detroit district, a promise was made that we would offer additional resources to make sure reform succeeds. Every year since then, this community that has been torn apart by this issue has to come back before this Legislature and fight and scrap and beg. I don't think that is an appropriate promise. If we really want reform to benefit the 153,000 kids who are there in Detroit, let them have their money. The money that is being used by the city of Detroit and by that reformed school district funds kindergarten, all-day kindergarten for 400 programs, it provides police protection in schools, and it has reduced class sizes significantly in K-3 education settings. This is appropriate. Reform actually has had some benefits, but it is inappropriate to undermine those reform efforts.

Over this entire period while we have fought over this \$15 million, the city of Detroit has declined in enrollment by 29,000 kids. That equates to a \$210 million reduction in revenues to the district. This, while we are undertaking reform, doesn't provide what the Legislature imposed, what the community is living with, and an adequate opportunity to succeed. It is simply unfair; it's simply unfair. The Legislature did make that promise, and it's important that we keep that promise. Regardless of what happens on the vote that will take place in November 2004, reform will last in Detroit for at least another year. Even if the voters go back to an elected school board through the 2005 school year, reform efforts will continue. The current administration will be in place. Don't undermine them. This Legislature put them in place to succeed for the 153,000 kids. Give them the basic tools they need to fight to make that a reality.

Senator Scott's statement is as follows:

I'm asking my colleagues to support this \$15 million for Detroit. You know, things change around here every day. In the event that we do not have this election, I would like for this money to be put in the budget. I have indicated that if we have the election, Detroit gets their right to vote again, then we will certainly return the dollars.

Senator Clark-Coleman's statement, in which Senator Leland concurred, is as follows:

I wish that I could say something different than our Minority Leader, Bob Emerson, has shared with you, but in addition to that, our Senator from the 4th District also shared with you. I concur with everything that each one of them said. It is important that you keep a promise, and you promised them the \$15 million. I voted against it because I didn't support it. I didn't support taking away the rights of people to vote, but you pushed it through anyhow, and you made certain promises of what you were going to do. Now, to say now that, "Well, you get your vote back in November" is

misinforming the people because even if that vote is given back to them in November, they still can't elect a school board for another year.

So to put Dr. Burnley out there and to say, "We are going to support you if you do all the things we tell you to do," and then all of a sudden, you take away the funding. It's certainly not showing that you are sincere in your efforts. But even more than that, I supported the 20j funding. I didn't fight against that funding, but to protect 20j funding to the wealthy schools and then take away funding to the at-risk schools—the schools who need it the most; the schools where most of them don't have two parents to supplement their education or to help them hire tutors and all those kinds of things. You say you want all kids to measure up; then level the playing field. Let's not keep it continually unlevelled.

So I will be voting "no" on this budget for all the reasons that my two colleagues previously shared with you.

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 Kuipers as Chairperson.

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

Senate Bill No. 1067, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2005; and to provide for the expenditures of the appropriations.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1067

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

The following bill was read a third time:

Senate Bill No. 1067, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 24, following line 14, by inserting:

"Sec. 470. It is the intent of the legislature that the governing board of a state university shall classify an individual who is not a citizen or permanent resident of the United States as a resident of this state for the purpose of charging tuition and required fees, if all of the following conditions are met:

(a) The individual resided with his or her parent or legal guardian while attending a public or private high school in this state.

(b) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this state.

(c) The individual had resided in this state for at least 3 years on the date the individual graduated from high school or received the equivalent of a high school diploma.

(d) The individual was not enrolled as an entering student at the state university before the 2003 fall semester.

(e) The individual provides to the state university an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so."

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. 187**Yeas—17**

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

Nays—20

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

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

Senator Emerson offered the following amendments:

1. Amend page 2, line 3, by striking out “1,698,585,600” and inserting “1,762,585,600”.
2. Amend page 2, line 7, by striking out “1,698,585,600” and inserting “1,762,585,600”.
3. Amend page 2, line 14, by striking out “1,603,335,600” and inserting “1,667,335,600”.
4. Amend page 6, line 24, by striking out “35,630,500” and inserting “99,630,500”.
5. Amend page 7, line 7, by striking out “199,759,400” and inserting “263,759,400”.
6. Amend page 7, line 14, by striking out “114,009,400” and inserting “178,009,400”.
7. Amend page 7, line 20, after “is” by striking out “\$1,694,085,600.00” and inserting “\$1,758,085,600.00” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not 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. 188**Yeas—37**

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

Bishop
Brater
Brown
Cassis
Cherry

George
Gilbert
Goschka
Hammerstrom

Leland
McManus
Olshove
Patterson

Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

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; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 25, following line 14, by inserting:

“FAMILY INDEPENDENCE AGENCY

Sec. 601. From the funds appropriated in section 107, the family independence agency shall expend sufficient funds to fund the encouraging family foundations (EFF) program in Kent County.”.

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:

Senate Bill No. 267

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

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Schauer offered the following amendment:

1. Amend page 27, line 7, by striking out all of subsection (4).

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. 189**Yeas—17**

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

Nays—20

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

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

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. 190**Yeas—37**

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

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

The motion prevailed, and the President pro tempore, Senator Birkholz, 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 of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1064, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

Substitute (S-1).

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

1. Amend page 20, line 23, after "Michigan" by inserting "except for travel required for the transportation of prisoners or otherwise expressly prescribed by law".

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:

Senate Bill No. 1064

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

The following bill was read a third time:

Senate Bill No. 1064, entitled

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

The question being on the passage of the bill,

Senator Switalski offered the following amendment:

1. Amend page 7, line 17, by striking out "28,165,900" and inserting "33,165,900" and adjusting the subtotals, totals, and sections 201 and 213 accordingly.

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. 191**Yeas—16**

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

Nays—21

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

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

Senator Switalski offered the following amendment:

1. Amend page 3, line 16, by striking out “14,765,900” and inserting “20,016,300” and adjusting the subtotals, totals, and sections 201 and 213 accordingly.

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

Senator Scott offered the following amendment:

1. Amend page 6, line 19, by striking out “100” and inserting “5,863,000” and adjusting the subtotals, totals, and sections 201 and 213 accordingly.

The question being on the adoption of the amendment,

Senator Sikkema moved that the previous question be ordered.

The motion prevailed.

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. 192**Yeas—16**

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

Nays—20

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

Excused—1

Toy

Not Voting—1

Emerson

In The Chair: Sanborn

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

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. 193**Yeas—21**

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

Nays—15

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

Excused—2

Emerson

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

Protests

Senators Switalski, Schauer, Scott, Cherry, Jacobs, Leland, Bernero and Clark-Coleman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1064.

Senators Switalski, Schauer, Scott and Bernero moved that statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Switalski’s first statement, in which Senators Cherry and Jacobs concurred, is as follows:

This amendment would restore \$5 million into the corrections budget, which was cut out of academic and vocational programs. Recidivism studies show that 25 percent of the prisoners you don’t get them back in the prison if they have completed this type of education program. It gives them a chance to go out and earn a legitimate living, rather than come back and be supported by the state and in the prison system. They can actually go out, have a job, pay taxes, and make their way. It is also a tool for the management of the prison, and it helps them to keep order by giving people something useful to do and something useful to learn. This budget came in \$20 million under the Governor’s recommendation. This would have the effect of bringing us \$15 million under the Governor’s recommendation. I urge support.

Senator Switalski’s second statement, in which Senators Cherry and Jacobs concurred, is as follows:

This amendment would restore \$5 million into substance abuse testing and treatment in the prison that we cut out in this budget. I appreciate the words of the good chairman of the committee and the hard work he did. He talked about how he fought hard last year to keep those cuts out of the budget. I call on him again to fight hard as we continue through this process and restore this necessary money. Again, it reduces recidivism and will pay less in the long run. Really what we have is the Governor proposed a budget that funded these things, and that budget raised some revenues and is based on some assumptions and found enough money to fund this. We have got to look at that and say, “Is this the bare essence of what we need in corrections?” If we don’t agree with all of the revenue proposals, well, as we did last year, let’s come together on some other proposal or something. Let’s find the money necessary to fund these programs.

So I urge support of the amendment.

Senator Switalski’s third statement, in which Senators Cherry and Jacobs concurred, is as follows:

I rise in opposition to the budget because it cuts \$20 million out of the corrections budget that is already underfunded. The Governor’s proposal spent \$20 million more and included provisions applying sentencing guidelines to probation violators that really face an uncertain future in this Legislature. On top of that, we are cutting the—as we just discussed for a long time—vocational programs, the drug treatment, and the hepatitis C programs. We’ve talked about the recidivism problem in our prisons, and these programs help the department manage the population. I think we have cut the state budget for four years now, and we are in the danger now of letting economics and budget decisions drive our prisoner placement decisions. We need to provide adequate resources for necessary and fundamental state services.

Senator Schauer’s statement, in which Senators Jacobs and Leland concurred, is as follows:

I oppose Senate Bill No. 1064 today as it leaves the Senate because of troublesome cuts to academic and vocational programs for substance abuse testing and treatment and because it leaves out funding for public health inside our prisons and in our communities and jeopardizes the health of thousands of corrections officers by not funding adequate testing and treatment for hepatitis C. I believe, by his remarks here today, or at least some of them, that the chairman of the corrections budget, who like me represents a district with prison facilities and thousands of corrections officers in communities into which many prisoners are released, that this bill is fundamentally bad public policy.

Governor Granholm, Director Caruso, and the Corrections Department did a remarkable thing in 2003 by actually reducing Michigan’s prison population. This didn’t happen by itself or by accident. We cannot continue this trend of controlling prison costs without supporting vocational, educational programs, and substance abuse prevention and treatment.

Colleagues, pay now or pay later. This bill as it leaves the Senate is bad public policy which will require us all and the taxpayers we represent to pay more through failed and flawed corrections policy.

Senator Scott’s first statement is as follows:

This is a very important amendment. I’m asking that you restore the \$5.8 million for hepatitis C for testing and treatment. Health experts believe as many as 18,000 of Michigan’s 48,800 prison inmates have hepatitis C, a deadly blood-borne virus that attacks the liver. The state is treating 55 of those inmates, while thousands of Michigan inmates suffer from hepatitis C. State corrections officials say they don’t have the financial means with a cash-strapped budget to treat infected prisoners at a cost they say reaches \$130 million.

Let me just tell you, there are women who are being infected every day that these prisoners are released. What does that cause? It causes lives; it destroys their lives, and destroys the families of these women who have children.

So I'm asking that you just restore this \$5.8 million that the Governor has put in so we can try and put a dent in this. I also have had bills for the last several years that we test these men when they are leaving prison. I haven't had a hearing on those bills. So at least put this \$5.8 million in so we can try and put a dent in this hepatitis C. So I ask your support for this very important amendment.

Senator Scott's second statement is as follows:

You know, this is an epidemic, and we need to deal with it. It's not only as he indicated for the prisoners, and we had more prisoners dying from hepatitis C than anything else in the prisons, but they are coming out infecting women now. This is already occurring. We need to deal with this right now before it gets any worse. This is not enough money to really deal with it, but it will start. We need to do this today.

So I'm asking my colleagues to understand that it is an epidemic. So I would hope you would support this amendment.

Senator Scott's third statement is as follows:

This is real important. Do we understand what an epidemic is? That it could be some of your family members, your constituents whom we are here to protect that this is happening to? For those who are working in the prisons, you know it's been stated that they will go home to their families, out into the community. We don't seem to get it until it touches us personally.

There is \$20 million under budget under the Governor's recommendation. All I'm asking you to do is restore \$5.8 million of this amount to save some lives. Now they say they do some testing on the way out, but it is not really the hepatitis C test that is costing us \$400 now. That is not enough to really do the testing. So I am asking that we put these dollars in so that we can do some real testing because I would really like to see after they are tested, and they know they have it on their way out, that they are being registered, and they are saying that they have hepatitis C. They are going out infecting folks, and they are not going to tell anyone that they have hepatitis C.

So I think there is a lot we have to do with this, and we need to start now by putting this \$5.8 million back into the budget, ensuring further and directing those departments as to what they really need to do to get rid of this hepatitis C.

Senator Bernero's first statement, in which Senator Clark-Coleman concurred, is as follows:

With all due respect to my colleague, the esteemed chair of the Judiciary Committee, when we talk about the effect that this has on the corrections system and the choices, the terrible choices we are confronted with because of the budget situation, the specific words of my esteemed colleague when he says, "Our choice might be to release people who shouldn't be released." But that's exactly what this amendment is about. This amendment is trying to make sure that we can provide drug treatment so that we aren't releasing current addicts. They may have served their time, but if they haven't gotten the treatment, what are we accomplishing?

So we are keeping the facility open, which is holding people, but we are not getting to some of the root causes and treating the drug addiction. I have to confess to you. Some of you might not know I lost a cousin just a few months ago, who died with a heroin needle stuck in his arm and had been in and out of the corrections system, in and out, in and out. So what are we accomplishing with the money that we are spending? To simply incarcerate them and bury our head in the sand and ignore some of the root causes, then in essence we are wasting our constituents' money.

I think the Switalski amendment puts the money where it needs to be. I'm willing to put my money where my mouth is and my votes to support funding for these vital programs. I don't know about you, my colleagues, I have had calls and letters from constituents and family members from people who need this drug treatment. Some of them need it as a condition to get out. They could be paroled, but they are in line for this treatment, and they can't get out until they get out.

We have made some tough, tough decisions, including losing the office of the Legislative Corrections Ombudsman, which I think was a horrendous loss. As my esteemed colleague said, we've definitely made some cuts in the corrections budget, but let's not be further pennywise and pound foolish. We are inviting recidivism. We are absolutely embracing and inviting recidivism to cut drug treatment. How many people are in prison with drug-related offenses? Is it on the decline? What do we think we are accomplishing? We need the Switalski amendment, please.

Senator Bernero's second statement, in which Senator Clark-Coleman concurred, is as follows:

I'm not trying to filibuster today on the corrections budget, really, but these are issues that I have thought about, and this one in particular is one that I have been particularly worried about. This is not just a corrections issue. Let's not fool ourselves. This is a public health issue. The vast majority of prisoners are coming out; they are coming out, ladies and gentlemen, my colleagues, and they are coming to a neighborhood near you. They are coming to your district. They have hepatitis C. We know it is a problem, and it is not a problem strictly in the prison system. And, again, we bury

our head in the sand and fool ourselves to think we are talking about doing something for the prisoners or not doing something for the prisoners. This is an issue about doing something for your constituents. This is an issue about doing something for public health in the state of Michigan.

The *Lansing State Journal*, our local newspaper here that covers the Capitol, did a big series on hepatitis C. Maybe some of you saw it. It's a serious problem, it's a developing problem, and the existing health budget that my esteemed colleague, the chair of the Judiciary Committee refers to, does not adequately address it. It cannot address it. It is an exploding issue in the corrections system, it is an exploding issue in public health, and it is an exploding issue in our communities. To vote against this amendment is to put our communities in peril. These people are coming out, they are diseased, and the disease will spread. We can do something about that. We can address it here and now today.

I know some of you in this chamber know more about the disease than I do. I know we have some expertise in this chamber that know we are not solving the problem by ignoring the problem. We need to address it, we need to deal with it, and the money for this amendment, which is very much available since we are under budget in corrections, the money to fund this amendment is a drop in the bucket compared to the health consequences that are coming down the road if we continue to ignore this emerging health calamity. So I urge my colleagues to really think about making an investment in public health and investing in your constituents in your district. You don't have to think of it as helping the prisoner or helping the corrections system. This is an issue that is here and now in public health, in our community, and in the state of Michigan. Let's act now. Let's not have our children or our future legislature and future leaders thinking in 2004 when they voted down this very reasonable amendment to make a modest impact on this very serious problem: "My gosh, what in the world was the Legislature thinking when they turned down the Scott amendment to deal in a serious way and address the problem of hepatitis C."

Senator Bernero's third statement, in which Senator Clark-Coleman concurred, is as follows:

With all respect to my esteemed colleague from DeWitt, the esteemed chair of the Judiciary Committee, let's not fool ourselves that we are treating everybody who needs it. We are treating 55 inmates out of an estimated 18,000-48,000 who have hepatitis C. We are treating 55, so we are ignoring the problem. That's what we are doing. We are burying our head in the sand.

And his acknowledgement, the good Senator's acknowledgement, that it would take \$50 million to adequately address the problem is not justification to do nothing. The fact that we can't solve the whole problem doesn't mean we are justified in sitting on our hands and doing nothing. I think it is outrageous that we can consider doing nothing. Yes, this is a down payment. The reality is this is a down payment—this amendment. We are not up here with a \$50 million amendment. Maybe in good conscience we should be. But we are saying let's take the first steps to seriously address the problem. The good Senator's argument that these people are leaving the purview of the Department of Corrections and therefore again is justification to do nothing, is also, I would argue, fallacious reasoning. What we are talking about is that they are coming into your districts. It's exactly as the Senator said. They are leaving corrections. He reiterated my earlier argument that they are leaving the corrections system and entering your neighborhood. They are entering your district and my district.

What we are trying to do is set up a system so that they are tested, and they are hooked up to treatment; that they are not just released; that the flood gates aren't just open. And that we, in fact, try to get a handle on this disease and try to hook them up with treatment on their way out, as they exit the system so that they can get plugged into good, adequate treatment so that they are not spreading the disease. I mean, if we took this logic, this argument, that if we can't solve the whole shooting match, then we should do nothing, then we could zero out a whole lot of line items and do nothing with a lot of the most severe problems confronting us. But we don't take that approach. We try to take a reasoned and balanced approach knowing that we can't solve the world's problems, but take reasonable, prudent steps to address real problems and issues that confront the state and our communities.

So I implore you please, on this public health matter, let us not revert back to partisan division. We know the money is there and that we are under budget in corrections. Let's use this money adequately and properly in a way that we can be proud of. Let's do something for public health and for our districts and not simply divide and fall back under partisan lines.

Senator Cropsey asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's first statement is as follows:

I do appreciate the Senator offering this amendment. One of the things we need to keep in mind is that we have a lot of different budget priorities. One of the things that I looked at as I was coming up with this budget—and that the subcommittee agreed with and the full committee agreed with—was trying to come in under \$20 million, under the Governor's recommendation. In order to do that, though, there are some very tough cuts that have to be made. There is \$5 million here in the academic vocational programs. Out of a \$33 million budget last year, I fought tooth and nail to make sure that it was fully funded. But if we are going to be making savings, then this is one of the few areas that we can do without going right to looking at closing down different prison facilities.

Another one of the amendments I would assume will be coming up, and that will be some of the drug treatment type of things, which I think is very necessary. Once again, if you are looking at trying to save an additional one percent out of our budget, that is what we are looking at. Another one is going to be the hepatitis C, another \$5 million.

All are very good programs, very worthwhile programs, and programs that are needed, but we need to understand that we are in tight fiscal times, and sometimes you just cannot have the programs to the extent that you want them or that really are what is good. You have to do with what you can. Even though I appreciate the intent of this amendment, and I would normally support it, at this point, I cannot do so. I would urge you to not adopt this amendment.

Senator Cropsy's second statement is as follows:

We had budgets earlier today and earlier this week that came in well over the Governors' recommendation, community health, higher education, and K-12—many good programs, excellent programs. You know what? Sooner or later the budget is going to have to be balanced, and everything is being positioned at this point. Just understand that the more you come in over the recommendation, the more money you are going to have to find. The less you come under the recommendation, the less money you have to find.

I know a lot of people have complained about how much money the Department of Corrections takes. When I was first elected many years ago, even before the good Senator of Appropriations, Shirley Johnson, when I came in 1978, we had about 13,000-14,000 beds in corrections. We now have close to 50,000 beds in corrections.

I think it's important for this body to realize that over the last two or three years, the Department of Corrections has found a savings, and it's been mainly administrative savings of \$280 million. That's 15.5 percent of their current budget. This department has cut and it has cut significantly. The department has taken wardens who used to be wardens over one institution and are now wardens over two institutions. Deputy wardens—they have cut way back on deputy wardens. Where you used to have three deputy wardens for virtually every institution, now you are down to one. You have midlevel management. You have, we call them ARUMs, Assistant Resident Unit Managers, in different units. One hundred and sixty some of these midlevel management positions have been eliminated over the past two years.

Just to get a one percent more cut, which is what we are talking about with \$20 million, we have to make these cuts. We can all add them back again, but sooner or later we have to say, "If we don't get revenue enhancements, these cuts will be nothing compared to the cuts that would have to be coming down."

So this would restore five and a quarter million dollars in substance abuse testing and treatment. I would love to vote for it, but if we are really going to try and come in under the Governor's recommendation—because we have gone over the Governor's recommendation in so many others—then these cuts become necessary, unless you want to start closing down institutions. If you want to start closing down institutions and letting people back out on the streets who shouldn't be out in the streets, that's the other alternative we have in the Department of Corrections.

So we make our choices. I say to turn down this amendment is the better of several bad choices.

Senator Cropsy's third statement is as follows:

I just want to thank the good Senator from Lansing. I think everything he said was true, but at the same time, we have a budget to balance this year. One of the things to keep in mind is that we just passed drug court treatment legislation or drug treatment court legislation through this body. In the judiciary budget last year, the last budget we did, that funding was increased from \$3 million to \$6 billion. So the Legislature is trying to come up and have a response to the drug problem because it is a significant problem in our society. It is a significant problem that we are having to deal with in our jails and in our prisons. But it is better to try and get that, I believe, before a person goes into the prison system or the jail system to be held accountable there. At the same time, I would love to keep this program going. This program is funded at about \$17 million. We are cutting about \$5 million out of it. I don't want to make those cuts, but at the same time, I think it is important for everybody in this body to realize that sooner or later the budgets have to be balanced. I don't like this cut, but I don't want to see us taking away from security staff and cutting down on the prisons that we currently have because I think everybody would say, "Well, that's even a worse solution to this than cutting this program." Shortsighted, I agree. It is shortsighted, but at this point, this is what we have.

Senator Cropsy's fourth statement is as follows:

I hate having this money cut out also. This third amendment, these three amendments, are very difficult amendments, but we need to balance the budget. Keep this in mind, though, this is a new program, a new initiative. This has not been in the budget before. We are still leaving a \$100 placeholder for future negotiations on this program. Another part of this is that the Department of Corrections currently spends \$172 million, is budgeted for this for health care for prisoners. If a prisoner has hepatitis C and it's known, the prisoner receives health care treatment for that hepatitis C. So it's not like we are saying prisoners are not getting treatment; they are getting treatment. That doesn't mean that there isn't a serious problem. This hepatitis C is spread basically by dirty needles from tattooing and also by sexual contact inside the prisons. It is a serious problem, but it is one that is for the most part preventable if the prisoner decides to take some personal responsibility in this area.

So these are things to consider. Once again, you say you consider it as opposed to what? I don't like the alternatives that we have here. I like the alternatives even less than these amendments that we have done. So that is why I would urge you to turn down this amendment.

Senator Cropsey's fifth statement is as follows:

I want to say this so that everybody understands. A prisoner who has hepatitis C symptoms is treated today in the Department of Corrections. A prisoner who has hepatitis C symptoms is treated right now in the Department of Corrections. In case you missed it, a prisoner who is ill with hepatitis C and has symptoms is treated right now in the Department of Corrections. The Department of Corrections has \$172 million that they will be getting next year for health treatment, for illness, or whatever you want to call it, for health care in the Department of Corrections. Now when a prisoner leaves the Department of Corrections, whether or not they have hepatitis C, hepatitis C does not keep a prisoner inside the Department of Corrections. I admit it is a serious community health problem, no question about it. The Department of Corrections has no more jurisdiction over them at that time though.

So we do have a problem, and yes we do, but we are now spending \$172 million for treatment of hepatitis C and all sorts of other diseases and illnesses that prisoners have. This is a question of are we going to put \$5.8 million more into it as a new initiative in this budget year while we are trying to keep the budget down because we don't have the funds? That's what we are talking about. That's why I'm saying, "You know what, this is really underfunded by a long shot." Estimates are, to take care of the total hepatitis C problem that we have may range anywhere from \$50 million to \$250 million.

This is not an amendment that is going to take care of the problem. This is an amendment that is trying to figure out, boy, this is a problem. We already have money in there that is treating hepatitis C prisoners. I want to make that very clear. The question is do we start up a new program today, or do we wait for next year, which I would care not to do? I would rather have it done this year, but with the constraints that we have in the budget, I believe we have to wait till next year.

Senator Cropsey's sixth statement is as follows:

A couple of things to keep in mind, \$172 million is going for health care for prisoners. I said it three times before; I've said it for the fourth time now. That's a large sum of money, and we have a large prison population. So what you are talking about is adding another \$5-\$6 million for more health care services for the prisoners. Right now before a prisoner is set out on parole, they are offered the opportunity to take the test that the good Senator from Detroit had talked about. They are not mandated to take that test, but there is an offer made where they can take that test. And, once again, if they have symptoms of hepatitis C while they are under the jurisdiction of the department, they receive treatment. Now, are you going to mandate that they must get treatment once they get out into the community? That's beyond the scope, I think, of this budget. That's a question that has policy questions involved in that. There are privacy questions involved in that, and there are constitutional questions involved in that, but that is beyond our scope. Is it a danger to our community? In many respects, it certainly is. But those are policy issues that need to be talked about, need to be considered, and at this point, we are trying to balance the budget.

So I would suggest that we turn down this amendment. We are already spending \$172 million as appropriated for, in this budget, prisoner health care.

Senator Cropsey's seventh statement is as follows:

I would urge that we vote for this legislation. The budget for the Department of Corrections totals \$1.82 billion gross, of which \$1.7 billion is General Fund. This represents a 7 percent, or \$113 million, increase in General Fund pending for the current fiscal year, but a \$20 million reduction for the executive's budget. This budget does the following: It provides \$20 million in savings by converting a men's facility to a women's facility in closing Western Wayne; provides \$13 million for additional beds to provide housing for expected population growth. This has been accomplished both by reopening existing units as well as converting the Oaks to a level 4 and double bunking it. It provides \$18 million in General Fund funding to replace the loss of federal funds for the Michigan youth facility in Baldwin, Michigan; provides funding for the expansion of the new transitional program for female offenders as well as added parole officers needed because of an increasing parole population. It supports efficiency in staffing made possible by security technology enhancements.

It goes beyond and we have discussed those three amendments, but it also adds an additional \$2 million in transportation efficiencies and almost \$400,000 in additional administrative reductions. I want to commend the department because I think the department has done a tremendous job over the last two years in becoming much more efficient. In several areas, wardens, which used to be a warden over one facility, and oftentimes they would have three deputy wardens. We now have wardens who are wardens over more than one facility, and oftentimes the number of deputy wardens has been cut down to one.

The Senate also recommends retaining a number of reporting sections that were left out by the executive branch, including those on health care, academic programming, and the Michigan youth facility contract and more. It does add

sections providing for the use of local corrections officer training fund, requiring transportation efficiency, and restricting out-of-state and nonessential travel.

It also adds sections in the boilerplate requiring that a prisoner's prescription medications be transferred with the prisoner in order to create a savings in medication costs. It also encourages the department to bill health insurance providers for health care for retired offenders who still have coverage.

No security staff has been affected by this budget. There has been no cuts for health care for prisoners in this budget. This is \$20 million under the Governor's recommendation, which we are trying to help balance the budget because of the overspending and some of the other budgets that are beyond the Governor's recommendation, which we have had members of the other party here on this floor today even requesting for more spending in those budgets that were already over the Governor's recommendation.

Now we can't have it both ways. If we are going to be spending more in one budget, then you have to cut in another budget. That's just the simple laws of economics in this state where you must have a balanced budget.

Senator Emerson entered the Senate Chamber.

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

Senator Hammerstrom moved that joint rule 9 be suspended to permit immediate consideration of the conference report relative to the following bill:

Senate Bill No. 560

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

Senator McManus submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 560, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3101. As used in this part:

(a) "Aquatic nuisance species" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(b) "Ballast water" means water and associated solids taken on board a vessel to control or maintain trim, draft, stability, or stresses on the vessel, without regard to the manner in which it is carried.

(c) "Ballast water treatment method" means a method of treating ballast water and sediments to remove or destroy living biological organisms through 1 or more of the following:

(i) Filtration.

(ii) The application of biocides or ultraviolet light.

(iii) Thermal methods.

(iv) Other treatment techniques approved by the department.

(d) "Department" means the department of environmental quality.

(e) "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.

(f) "Great Lakes" means the Great Lakes and their connecting waters, including ~~lake~~ Lake St. Clair.

(g) "Group 1 facility" means a facility whose discharge is described by R 323.2218 of the Michigan administrative code.

(h) "Group 2 facility" means a facility whose discharge is described by R 323.2210(y), 323.2215, or 323.2216 of the Michigan administrative code.

(i) **“Group 3 facility”** means a facility whose discharge is described by R 323.2211 or 323.2213 of the Michigan administrative code.

(j) ~~(e)~~ **“Local unit”** means a county, city, village, or township or an agency or instrumentality of any of these entities.

(k) ~~(h)~~ **“Municipality”** means this state, a county, city, village, or township, or an agency or instrumentality of any of these entities.

(l) ~~(i)~~ **“Nonocean-going vessel”** means a vessel that is not an ocean-going vessel.

(m) ~~(j)~~ **“Ocean-going vessel”** means a vessel that operates on the Great Lakes or the St. Lawrence waterway after operating in waters outside of the Great Lakes or the St. Lawrence waterway.

(n) ~~(k)~~ **“Sediments”** means any matter settled out of ballast water within a vessel.

(o) ~~(l)~~ **“Sewage sludge”** means sewage sludge generated in the treatment of domestic sewage, other than only septage or industrial waste.

(p) ~~(m)~~ **“Sewage sludge derivative”** means a product for land application derived from sewage sludge that does not include solid waste or other waste regulated under this act.

(q) ~~(n)~~ **“Sewage sludge generator”** means a person who generates sewage sludge that is applied to land.

(r) ~~(o)~~ **“Sewage sludge distributor”** means a person who applies, markets, or distributes, except at retail, a sewage sludge derivative.

(s) ~~(p)~~ **“St. Lawrence waterway”** means the St. Lawrence river, the St. Lawrence seaway, and the gulf of St. Lawrence.

(t) ~~(q)~~ **“Waters of the state”** means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.

Sec. 3122. (1) Until October 1, 2007, the department may levy and collect an annual groundwater discharge permit fee from facilities that discharge wastewater to the ground or groundwater of this state pursuant to section 3112. The fee shall be as follows:

(a) For a group 1 facility, \$3,650.00.

(b) For a group 2 facility or a municipality of 1,000 or fewer residents, \$1,500.00.

(c) For a group 3 facility, \$200.00.

(2) Within 180 days after receipt of a complete application, the department shall either grant or deny a permit, unless the applicant and the department agree to extend this time period. If the department fails to make a decision on an application within the time period specified or agreed to under this subsection, the applicant shall receive a 15% annual discount on an annual groundwater discharge permit fee for a permit issued based upon that application. This subsection applies to permit applications received beginning October 1, 2005.

(3) If the person required to pay the annual groundwater discharge permit fee under subsection (1) is a municipality, the municipality may pass on the annual groundwater discharge permit fee to each user of the municipal facility.

(4) As used in this section, “group 1 facility”, “group 2 facility”, and “group 3 facility” do not include a municipality with a population of 1,000 or fewer residents.

Sec. 3123. (1) The department shall send invoices for the groundwater discharge permit fees under section 3122 to all permit holders by January 15 of each year. Fees will be charged for all facilities authorized as of December 15 of each calendar year. Payment shall be postmarked no later than March 1 of each year. Failure by the department to send an invoice by the deadline, or failure of a person to receive an invoice, does not relieve that person of his or her obligation to pay the annual groundwater discharge permit fee. If the department does not meet the January 15 deadline for sending invoices, the annual groundwater discharge permit fee is due not later than 45 days after receiving an invoice. The department shall forward money collected pursuant to this section to the state treasurer for deposit into the groundwater discharge permit fund established under section 3124.

(2) The department shall assess a penalty on all fee payments submitted under this section after the due date. The penalty shall be an amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due. Failure to timely pay a fee imposed by this section is a violation of this part and is cause for revocation of a permit issued under this part and may subject the discharger to additional penalties pursuant to section 3115.

(3) The attorney general may bring an action for the collection of the groundwater discharge permit fees imposed under this section.

Sec. 3124. (1) The groundwater discharge permit fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the groundwater discharge permit fund. The state treasurer shall direct the investment of the groundwater discharge permit fund.

(2) Money in the groundwater discharge permit fund at the close of the fiscal year shall remain in the groundwater discharge permit fund and shall not lapse to the general fund.

(3) The state treasurer shall credit to the groundwater discharge permit fund the interest and earnings from groundwater discharge permit fund investments.

(4) The department shall expend money from the groundwater discharge permit fund, upon appropriation, only to implement the department’s groundwater discharge program under this part. However, in any state fiscal year, the department shall not expend more than \$2,000,000.00 of money from the fund.

(5) By March 1 annually, the department shall prepare and submit to the governor, the legislature, the chair of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the activities during the previous fiscal year in administering the department’s groundwater discharge program that were funded by the groundwater discharge permit fund. This report shall include, at a minimum, all of the following as they relate to the department:

- (a) The number of full-time equated positions performing groundwater permitting, compliance, and enforcement activities.
- (b) The number of applications received by the department, reported as the number of applications determined to be administratively incomplete and the number determined to be administratively complete.
- (c) The number of applications for groundwater permits determined to be administratively complete for which a final action was taken by the department. The number of final actions shall be reported as the number of applications approved, the number of applications denied, and the number of applications withdrawn by the applicant.
- (d) The percentage and number of applications determined to be administratively complete for which a final decision was made within the statutory time frame.
- (e) The number of inspections conducted at groundwater facilities.
- (f) The number of violation letters sent.
- (g) The number of contested case hearings and civil actions initiated and completed, the number of voluntary consent orders and administrative orders entered or issued, and the amount of fines and penalties collected through such actions or orders.
- (h) For each enforcement action that includes a penalty, a description of what corrective actions were required by the enforcement action.
- (i) The number of groundwater complaints received, investigated, resolved, and not resolved by the department.
- (j) The amount of revenue in the groundwater discharge permit fund at the end of the fiscal year.

Third: That the Senate and House agree to the title of the bill 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 section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding sections 3122, 3123, and 3124.

Michelle McManus
 Patricia L. Birkholz
 Elizabeth S. Brater
 Conferees for the Senate

James Koetje
 Jim Howell
 Steve Tobocman
 Conferees for the House

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 194

Yeas—33

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

Nays—4

Brown

Cropsey

Garcia

Sanborn

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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.

Protests

Senators Cropsey and Garcia, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on Senate Bill No. 560.

Senator Cropsey's statement, in which Senator Garcia concurred, is as follows:

I voted "no" on Senate Bill No. 560 on the conference report. When it first went through this Legislature, I voted "yes." I was in error in voting "yes" at that time. At that time, we did not have the breakdown of how these fee increases would impact our constituents directly. In looking through it and after it got into the House, I did receive a breakdown of where those fees were going.

One of the things that appalled me was that I found a church in the breakdown that according to the printout would be paying \$1,500. Just to give you a little background on this church with a school that now has approximately 40 or 50 students in it. Twenty-some years ago, they put in a lagoon system that was insisted upon by the Department of Natural Resources. The lagoon system was done in spite of the fact that they had originally said they'd like to do a septic system, and they had the property to do a septic system. The department said, "No, you cannot do a septic system. You must put in a lagoon system." They did put in a lagoon system at a tremendous expense. At that time, it was worth approximately \$25,000 twenty-five years ago. That system is close enough here to Lansing that when the Department of Natural Resources wanted people to go out and look at what a lagoon system ought to look like and how it ought to run, they would send people out to visit the lagoon system that this church and school had.

Lo and behold, I find out that the only way the water gets out of the lagoon system is by evaporation. It was overbuilt. Whatever the department had required, they had actually doubled the amount of clay layer, for example, that the department required.

Under this proposed legislation that has now been enacted by this Legislature and will be going to the Governor, this church and school—this is not a large church; we're talking 200 people or less—will have to pay \$1,500 a year for the privilege of operating a lagoon system that was demanded by the Department of Natural Resources.

I think this is government gone amuck; this is government gone awry. This is government saying, "You will put in this system, and now we're going to charge you every year for having this system in there." Therefore, I voted "no."

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

House Bill No. 5029, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

Substitute (S-1).

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

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

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

House Bill No. 5029

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

The following bill was read a third time:

House Bill No. 5029, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

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. 195

Yeas—22

Allen	Cassis	Goschka	Prusi
Barcia	Cherry	Hammerstrom	Sanborn
Basham	Cropsey	Kuipers	Sikkema
Birkholz	Garcia	McManus	Stamas
Bishop	George	Patterson	Thomas
Brown	Gilbert		

Nays—15

Bernero	Emerson	Johnson	Scott
Brater	Hardiman	Leland	Switalski
Clark-Coleman	Jacobs	Olshove	Van Woerkom
Clarke	Jelinek	Schauer	

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 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 recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 196**Yeas—27**

Allen	Cherry	Hardiman	Schauer
Barcia	Cropsey	Jelinek	Sikkema
Basham	Garcia	Kuipers	Stamas
Birkholz	George	McManus	Switalski
Bishop	Gilbert	Patterson	Thomas
Brown	Goschka	Prusi	Van Woerkom
Cassis	Hammerstrom	Sanborn	

Nays—10

Bernero	Clarke	Johnson	Olshove
Brater	Emerson	Leland	Scott
Clark-Coleman	Jacobs		

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 222, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1163.

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. 197**Yeas—34**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Johnson	Schauer
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brown	Gilbert	Olshove	Thomas

Cassis
CherryGoschka
Hammerstrom

Patterson

Van Woerkom

Nays—2

Brater

Jacobs

Excused—1

Toy

Not Voting—1

Scott

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

Senate Bill No. 991

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 991, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

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. 198**Yeas—37**Allen
Barcia
Basham
BerneroClark-Coleman
Clarke
Cropsey
EmersonHardiman
Jacobs
Jelinek
JohnsonPrusi
Sanborn
Schauer
Scott

Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Goschka
Hammerstrom

Kuipers
Leland
McManus
Olshove
Patterson

Sikkema
Stamas
Switalski
Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Allen's statement is as follows:

This legislation addresses a shortfall that occurred in the community of Mackinaw with the Straits area hospital. This authority has operated for over 40 years, but it was discovered with the re-codification issues that one of the townships did not comply.

I would appreciate this body's support.

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 bill:

House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county."

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

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

House Bill No. 4929, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

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. 5200, entitled

A bill to designate October 28, 2003 as Willie Horton day in the state of Michigan.

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. 5641, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 17 (MCL 46.17); and to repeal acts and parts of acts.

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. 5087, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1100, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

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. 5445, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5445

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

The following bill was read a third time:

House Bill No. 5445, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2003 PA 251.

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. 199**Yeas—37**

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

Nays—0**Excused—1**

Toy

Not Voting—0

In The Chair: Sanborn

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 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.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 806

Senate Bill No. 350

Senate Bill No. 206

Senate Bill No. 612

The motion prevailed.

Senate Bill No. 338, entitled

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the

issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 29 (MCL 125.1651 and 125.1679), section 1 as amended by 2003 PA 136 and section 29 as amended by 2001 PA 68.

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. 1013, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 1997 PA 195, and by adding section 8b.

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. 1014, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36202 (MCL 324.36202), as added by 2000 PA 262.

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. 1015, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

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. 1016, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1539 (MCL 380.1539), as added by 1988 PA 339.

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. 1017, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending the title and sections 1, 2, 4, 4a, 5, 5c, 6, 6a, 6c, and 9 (MCL 256.601, 256.602, 256.604, 256.604a, 256.605, 256.605c, 256.606, 256.606a, 256.606c, and 256.609),

the title and section 1 as amended and sections 4a and 6c as added by 1992 PA 169, sections 2, 4, and 6 as amended and section 5c as added by 1998 PA 11, section 5 as amended by 2000 PA 285, and section 6a as added by 1984 PA 391, and by adding sections 1a, 1b, and 1c and part 3 and by adding headings for parts 1, 2, and 3; 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 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. 1018, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 4, after "to" by striking out "**256.611**" and inserting "**256.612**".

2. Amend page 14, line 6, after "**to**" by striking out "**256.611**" and inserting "**256.612**".

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

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

Senate Bill No. 1019, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2003 PA 168.

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. 1020, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2003 PA 186.

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. 1021, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3 and 4 (MCL 38.1603 and 38.1604), section 3 as amended by 2000 PA 374, and by adding section 24a.

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. 824, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

Substitute (H-5).

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

1. Amend page 8, line 10, after “jobs” by inserting “**or, beginning June 1, 2004, 50 qualified new jobs**”.
2. Amend page 8, line 12, after “jobs” by inserting “**or, beginning June 1, 2004, 100 qualified new jobs**”.
3. Amend page 9, line 2, after “jobs” by inserting “**or, beginning June 1, 2004, 50 qualified new jobs**”.
4. Amend page 9, line 4, after “jobs” by inserting “**or, beginning June 1, 2004, 100 qualified new jobs**”.

The question being on the adoption of the amendments,

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

The motion prevailed.

Senate Bill No. 637, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

Substitute (H-2).

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

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 4, line 3, after “**and**” by striking out the balance of the sentence and inserting “**the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.**”.

The amendment to the substitute was adopted.

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

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

Roll Call No. 200

Yeas—24

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

Nays—13

Bernero	Clarke	Leland	Scott
Brater	Emerson	Olshove	Switalski
Cherry	Jacobs	Prusi	Thomas
Clark-Coleman			

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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.

Protest

Senator Switalski, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 637 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Switalski’s first statement is as follows:

I rise in continued opposition to this bill. The House actually made an improvement in it, but I’m still opposed to it. It’s at least better than it was, and maybe when we send it back again and it comes back again, maybe it’ll get even better.

Senate Bill No. 637 changes current law in two ways. Number one, it redefines possession to include presence in the body, and that presence can be as low as .02 percent, which is a trace amount. It provides the option of jail time for repeat offenders. The original justification for this bill, the cause for taking it up, was that some kids came back from Canada, and one of them in the back seat had been drinking in Canada and had his case thrown out in Michigan vs. Rutledge because he had drunk legally in Canada, and they said, well, that’s all right. So we got this bill.

Well, now the House change has taken that out and made it an affirmative defense that if you were drinking in Canada, that’s all right now. But we still have the problem of the other two things this bill does: the jail time and the watering down of the meaning of possession. I don’t think we want to do that. Are we suddenly being overwhelmed with rampant alcohol abuse by the youth of Michigan? No. I don’t think kids are drinking any more than they did 10, 20, 30 or 50 years ago, or a thousand years ago among the Vikings, as I told you earlier. They probably drink less. In fact the State Court Administrator’s office reports that MIP convictions have dropped nearly 1,000 a year the last three years.

The current system appears to be working, and yet we are being asked to misconstrue the meaning of the word “possession,” and provide for jail time if our kids drink a swig of beer. Underage drinking is a problem. Good policy would manage this problem within acceptable limits. This draconian law, passed based on zero tolerance, would set decent kids up to be criminals. We just passed a corrections budget that cut our Corrections Department by \$20 million. As you know, the jails in Macomb County are full. We had 150 prisoners released in November and December, and I think we’ve gone five straight days over capacity. We’re looking at it happening again. If that does, the chief judge has to let somebody out. So is this the way we want our kids treated and our jails run? I think not. I urge a “no” vote.

Senator Switalski’s second statement is as follows:

My good friend, the Senator from judiciary, characterizes this as substance abuse, and I say .0; .02 would be more accurately described as juvenile misbehavior that I’ll bet 95 percent of the people in this chamber right now are engaged in. That misbehavior is currently penalized by fines of up to \$500 plus court costs. I think that is adequate, and I don’t think we need jail time.

Senator Cropsey asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey’s first statement is as follows:

This amendment is a technical amendment. As passed, there’s a reference to another section of law relative to probation fees and costs. Unfortunately, the citation in the bill is to the circuit court, but MIP offenses are misdemeanors in the district court. My amendment corrects this citation reference. It’s purely a technical amendment.

Senator Cropsey’s second statement is as follows:

I guess I’m almost speechless in response to the previous speech. The previous speaker got up under the corrections budget and said we weren’t doing enough to address substance abuse. I basically agreed with him.

One of the huge problems we have with substance abuse is that people abuse substances when they’re young. They keep abusing them, and it gets worse. As they get older, then they go into a life of crime, and you run into serious problems. Here were talking about treating substance abuse at its early stages, during a young person’s life. The reason why we have this is, and why the good Senator from Kalamazoo brought this up that we had a law that was virtually unenforceable, but a kid would be having a criminal record. The doctor from Kalamazoo said this doesn’t make any sense. Let’s have an enforceable law and let’s have it so kids, if they mess up the first time, they don’t have a criminal record. But, boy, lets give the judges some teeth so that they can get these kids into treatment and that what the judge says will actually have an effect because under the way the law is currently, they get a criminal record, but beyond that, there’s no enforcement. So lots of the students are flouting the law. A lot of the young people are flouting the law. What this is doing is saying first offense you don’t have a criminal record, but let me tell you, if you come back a second time and you don’t do what the judge tells you to do, the judge can throw you in the can on your second offense and

if you don't abide by the terms of probation. Now we've had the drug treatment court legislation that has gone through this Legislature. The judges need some tools in order to get people in the treatment to take care of their drug problems. That's what this legislation does.

I just find it so baffling that a few minutes ago we're talking about how we are not treating prisoners as they are coming out of prison. The best thing to do is not have people go to prison in the first place because we've had them face up to their alcohol or drug problems before they've reached the stage in our criminal justice system where they have to go off to prison.

I would strongly urge that we adopt this legislation. This legislation, frankly, as it comes over from the House, waters it down a little bit. Basically, what it says is that if you are saying that you were in Canada or someplace else where drinking is not a problem, as far as the criminal laws are concerned, you can allege that, but you have to prove that you were there. You have to prove it as an affirmative defense instead of just raising it and saying I was there; prove I wasn't. This is incumbent then; this defense is incumbent upon the perpetrator, or the alleged perpetrator, to prove that the alleged perpetrator actually drank where it was legal to drink. That is what this amendment from the House is about. Reluctantly, I agreed to it. Let's get this taken care of. Let's get it done, but let's not go out here and tell you that we're trying to work out a substance abuse problem if we're not willing to have young people who have substance abuse problems meet with the judge and have the judge have some authority to really work with these young people because right now it's not working. It's not working very well.

The Rutledge court, which came down with the decision which we're trying to correct, basically said that they knew that their decision was going to have an enforcement problem. That's the way they phrased it. Well, there is an enforcement problem. Have convictions gone down? You'd better believe it because there is an enforcement problem. We're trying to correct that enforcement problem of not what this Legislature put into effect, but what the people of this state voted into effect.

So I hope that we will adopt the House version, and send it back and finally get it sent to the Governor so that the judges can start to really bear down upon people, and make them face the responsibility for their actions, instead of having the same people flouting the law and thumbing their nose at the judge.

Senator Cropsey's third statement is as follows:

Keep in mind that we are talking about young people having jail time when it is a very serious problem. Not on the first offense, not really on the second offense, but it is a violation of the second offense. So it's the third time that we are talking about an alcohol abuse problem, or some other drug abuse problem, that the judge is trying to get them to face up to the problem that they have. For the third time, finally the judge has the authority to say if you don't do what you are supposed to do, you're right, you're going to end up in jail. How many will that end up in jail? I think very few, but we'll get a lot more into treatment where it's really needed when they're young and when it will do some good. An ounce of prevention now is worth a pound of cure later.

House Bill No. 5120, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 1d, 65, 310d, 319b, 320a, 321a, 625, 625b, 627, 727, 732, 733, and 907 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.320a, 257.321a, 257.625, 257.625b, 257.627, 257.727, 257.732, 257.733, and 257.907), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, sections 320a and 627 as amended by 2003 PA 315, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, section 727 as amended by 1998 PA 348, section 733 as amended by 1994 PA 50, and section 907 as amended by 2003 PA 73, and by adding section 79e; and to repeal acts and parts of acts.

Substitute (H-3).

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

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

Roll Call No. 201

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
Cassis
Cherry

Goschka
Hammerstrom

Olshove
Patterson

Thomas
Van Woerkom

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

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

Senate Bill No. 824, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

(This bill was announced earlier today, amendments offered to the House substitute and consideration postponed. See p. 570.)

The question being on the adoption of the amendments to the substitute offered by Senator Schauer, Senator Schauer withdrew the amendments.

Senator Cropsey offered the following substitute to the House substitute:
Substitute (S-10).

The question being on the adoption of the substitute,

Senator Sikkema offered the following amendments to the substitute:

1. Amend page 4, line 6, after "business" by inserting "**or subsidiary businesses**".
2. Amend page 16, line 3, after "facility" by striking out "**that consists of only 1 site**".

The amendments to the substitute were adopted.

Senator Sikkema offered the following amendment to the substitute:

1. Amend page 11, line 2, after "sound" by inserting "**or has an approved chapter 11 plan of reorganization approved by the bankruptcy court and its creditors**".

The amendment to the substitute was adopted.

Senator Sikkema offered the following amendments to the substitute:

1. Amend page 15, following line 4, by inserting:

"(iii) Is located in this state on the date of the application, maintains at least 100 retained jobs at a single facility, and agrees to make new capital investment at that facility equal to the greater of \$150,000.00 per retained job maintained at that facility or \$15,000,000.00 to be completed not later than December 31, 2006."

2. Amend page 15, line 6, by striking out all of subdivision (d).

The amendments to the substitute were 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. 202

Yeas—36

Allen
Barcia
Basham

Clark-Coleman
Clarke
Cropsey

Hardiman
Jacobs
Jelinek

Prusi
Sanborn
Schauer

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

Nays—0

Excused—1

Toy

Not Voting—1

Bernero

In The Chair: Sanborn

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.

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

Senate Bill No. 977, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3111b.

Substitute (S-5).

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

By unanimous consent the Senate 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:

Senate Bill No. 977

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

The following bill was read a third time:

Senate Bill No. 977, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3101 and 3115 (MCL 324.3101 and 324.3115), section 3101 as amended by 2001 PA 114, and by adding section 3111b.

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. 203

Yeas—37

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

Nays—0

Excused—1

Toy

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Birkholz’s statement is as follows:

This bill has been something that the good Senator Gilbert has worked on for actually several months now, and I would like to congratulate him on his work and on his efforts in bringing this forward to the Legislature.

We held hearings across the state, and we held hearings here in Lansing to deal with the issue of chemical spills being not responded to in a timely manner or being delayed in reporting. These are the chemicals that can cause problems for us in our drinking water. We need to have not only the system operators get notified immediately to shut down systems so they will not be including those toxics in the water they are taking in from the outlets, but we also need to allow our residents in the areas across the state to know that they may truly be at risk and may need to go to bottled drinking water.

The good Senator has worked diligently and worked hard to see that we’ve come to consensus on this issue. We’ve had almost unanimous consensus on the issue, and we are very pleased and honored that this bill is before us today for final passage. I urge your adoption of this bill, and we will then go to a better system of effectively and efficiently being able to report any toxic chemicals that have been spilled.

Senator Gilbert's statement is as follows:

I appreciate all the support on this issue. This has been a long-standing issue in my community. Over the last decade, there have been 700 spills up and down the St. Clair River. Five different communities get their water directly from that river, so this is extremely important. I've had constituents say to me at the last public hearing, "Is this just kind of another show, or are we actually going to do something?" I'm very proud to say that we are going to do something today.

Senator Scott stated that had she been present when the vote was taken on the passage of the following bill, she would have voted "yea":

Senate Bill No. 222

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

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

Senate Resolution No. 235

Senate Resolution No. 236

The resolution consent calendar was adopted.

Senators Switalski, Clarke and Johnson offered the following resolution:

Senate Resolution No. 235.

A resolution to celebrate the 400th Anniversary of the Holy Sikh Scripture.

Whereas, Sri Guru Granth Sahib, the Holy Sikh Scripture, is a compilation of the divine revelations not only to the Sikh Gurus, but also to the saints of other faiths reaffirming the fundamental unity of all religions; and

Whereas, Sri Guru Granth Sahib was revealed to the world through the passive agency of the Sikh Gurus; and

Whereas, The Holy Sikh Scripture embodies the universal message of truth, compassion, peace, equality, and service toward all humankind; and

Whereas, The fifth Guru of the Sikhs, Guru Arjan Sahib, compiled and consecrated the Holy Sikh Scripture, giving self-definition to the Sikh nation that originated the Sikh homeland of the Punjab; and

Whereas, This year marks the 400th anniversary of the first installation of the Sri Guru Granth Sahib at the Darbar Sahib, commonly known as the Golden Temple, in Amritsar; and

Whereas, Sikhs have been a part of the state of Michigan since the early 1950s when the early pioneers settled in the region around Detroit; and

Whereas, Sikhs in the state of Michigan are a vibrant community and contributes significantly to the economic, social, and cultural well-being of the state and its citizens; now, therefore, be it

Resolved by the Senate, That we hereby congratulate the Sikh nation on the 400th Anniversary of the Holy Sikh Scripture; and be it further

Resolved, That a copy of this resolution be transmitted to the Sikh Society of Michigan in Madison Heights.

Senators Clark-Coleman, Basham, Bishop, Allen, Barcia, Olshove, Cherry, Schauer, Emerson, Scott, Thomas, Jacobs, Goschka, Cassis, George, Patterson, Cropsey, Hardiman, Gilbert, Van Woerkom and Stamas offered the following resolution:

Senate Resolution No. 236.

A resolution honoring the Church of God in Christ, Inc., as it celebrates its 90th Anniversary.

Whereas, It is a great pleasure, privilege, and an esteemed honor for the members of the Michigan Senate to join in commemorating the 90th Anniversary of the Church of God in Christ, Inc. On April 17, 2004, the Church of God in Christ, Inc., will celebrate 90 glorious years of teaching and preaching God's word and administering His ordinances; and

Whereas, Charles Harrison Mason was born on the Prior Farm near Memphis, Tennessee, on September 8, 1866, to the union of Jerry and Eliza Mason. Elder Charles Harrison Mason was converted in November 1878 and was baptized by his brother, I.S. Nelson, a Baptist preacher who pastored Mount Olive Missionary Baptist Church near Plumerville, Arkansas; and

Whereas, In 1893, Elder Charles Harrison Mason began his crusade in Christian ministry upon earning and acceptance of his ministerial licenses from Mt. Gale Missionary Baptist Church in Preston, Arkansas. He then experienced sanctification through the word of God and preached his first sermon in holiness from II Timothy 2:1-3: "Thou therefore endure hardness as a good soldier of Jesus Christ"; and

Whereas, Elder Mason returned and subsequently withdrew his matriculation with the Arkansas Baptist College because of his dissatisfaction with the methods of teaching and the presentation of the Bible message. He returned to the streets and to every pulpit that allowed God to have His way with Elder Mason's method of expression; and

Whereas, In 1895, then-Bishop Mason met Elder C.P. Jones of Jackson, Mississippi; Elder J.E. Jeter of Little Rock, Arkansas; and Elder W.S. Pleasant of Hazelhurst, Mississippi. Jointly these militant gospel preachers conducted a revival in 1896 in Jackson, Mississippi, which had far-reaching effects on the city. So profound were the effects that Baptist church doors became closed to him and to all who believed and supported his teachings; and

Whereas, In 1897, Elder Mason heard a voice speak onto him which prompted him to begin singing the song "He Brought Me Out of the Miry Clay." The light of the Lord enveloped him, a flame touched his tongue that changed his language, and no word could he speak in his own tongue. He was filled with the glory of the Lord, and his soul was then satisfied; and

Whereas, Later returning home to Memphis, Tennessee, Elder Mason collaborated with other elders regarding the new Holy Ghost experience of speaking in tongues. The inability to resolve their differences in the New Testament doctrine forced the General Assembly to terminate; and

Whereas, He was driven to fulfill his calling and convened a conference in Memphis of all ministers who believed in receiving the baptism of the Holy Ghost according to the scriptures in Acts 2:1-4: E.R. Driver, J. Bowe, R.R. Booker, R.E. Hart, W. Welsh, A.A. Blackwell, E.M. Page, R.H.I. Clark, D.J. Young, James Brewer, Daniel Spearman, and J.H. Boone. Thus, through the efforts of these men of God, the first Pentecostal General Assembly of the Church of God in Christ was born. C.H. Mason was then chosen unanimously as the General Overseer and Chief Apostle of the denomination; and

Whereas, At the close of the meeting, it was necessary to organize the people for the purpose of establishing a church with a stronger appeal and greater encouragement for all Christians and believers. It was a church which would emphasize the doctrine of entire sanctification through the outpouring of the Holy Spirit; and

Whereas, Churches under the parent body in Memphis, Tennessee, are now established throughout the United States, in every continent, and in many of the islands of the seas. Under the leadership of Bishop Charles Harrison Mason (1866-1961), the church has grown from ten congregations in 1907 to the second-largest Pentecostal group in America. The membership of the Church of God in Christ grew from 3 million in 1973 to an estimated 8 million in 1997. The Church of God In Christ, Inc., was established in the state of Michigan in 1914 by Elder W.G. Johnson, and over the next few decades, it was led by several General Overseers; and

Whereas, The significance of the ninety-year history of the Church of God in Christ (C.O.G.I.C) in the state of Michigan and Canada (Ontario) (C.O.G.I.C/MiCa) cannot be overstated. It has been a stabilizing force for good and a supporter of efforts that improve the human condition. Clearly, the Church of God in Christ has been and continues to be a deeply-rooted underpinning of the foundation of this entire region; now, therefore, be it

Resolved by the Senate, That we hereby honor the Church of God in Christ, Inc., on its 90th Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to the Church of God in Christ, Inc., as evidence of our support and warmest congratulations.

Introduction and Referral of Bills

Senators Scott, Brater, Schauer, Jacobs, Leland, Thomas, Basham, Clark-Coleman, Switalski, Prusi, Barcia and Clarke introduced

Senate Bill No. 1137, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2203.

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

Senators Scott, Brater, Schauer, Jacobs, Leland, Thomas, Basham, Clark-Coleman, Switalski, Prusi, Barcia and Clarke introduced

Senate Bill No. 1138, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3149.

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

House Bill No. 5509, entitled

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

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

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

House Bill No. 5516, entitled

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

House Bill No. 5519, entitled

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

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

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

House Bill No. 5520, entitled

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

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

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

House Bill No. 5521, entitled

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

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

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

House Bill No. 5522, entitled

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

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

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

House Bill No. 5526, entitled

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

to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

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

House Bill No. 5528, entitled

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

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

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

Statements

Senators Leland, Cropsey 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 Leland's statement is as follows:

I would appreciate it if I could get the attention of the members for a couple of minutes while I make my statement, Mr. President. Mr. President, there is a move afoot in Detroit to change the way we elect our city council from at-large to districts. I have a statement that I would like to make in support of why we should go to districts in Detroit. Last week, my city council, the Detroit City Council, was once again making a spectacle of itself in the press. It underscored why we need a fundamental change in the way city government is organized and the way City Council is elected.

For over a quarter of a century, I have vocally advocated for a change in the way Detroit elects its city council. I have long held that the quality of neighborhood services would significantly improve if our city council was elected in nine single-member districts, rather than the current nine at-large members. In recent months, I've personally seen two vivid incidents with city officials that support this change.

Several months ago, I had the honor of attending a neighborhood association meeting with current Councilwoman Kay Everett. One of the things she talked about was her rationale and support for keeping our city council members elected at-large. She talked about how she liked to represent the entire city and be involved in everything, everywhere. After her speech, I asked the councilwoman one question: "Why do we have so many streetlights out in our area?" To my absolute amazement, the councilwoman said she was not aware there was a problem with streetlights in our area. Streetlight outage in my district is a major problem for many constituents. Anyone who lives on the Westside of Detroit would know the problem—entire blocks of major arteries like Grand River are dark at night. My office gets regular complaints which we refer to the city. But therein lies the problem. Councilwoman Everett does not live on the Westside, so she rarely drives our streets at night. I can guarantee that if we had a neighborhood city council member, they would not just know the problem, they would live the problem, and hear from their neighbors about it on a regular basis.

The second incident occurred last summer. I had the opportunity to escort Roger Short, the Mayor's budget director, through my neighborhood—a few square blocks around the 8th Precinct in Northwest Detroit. On that Saturday afternoon, Mr. Short was aghast at what he saw in my neighborhood—abandoned cars, burned houses, abundance of garbage, residential streets in need of major repair, and city-owned lots not cut. I remember seeing him shake his head in absolute disbelief. This is in a neighborhood most would consider middle class. I do not expect the city's budget director to be intimately familiar with the problems of each and every neighborhood in the city of Detroit; that's not his job. But his shock does underscore the need for someone who is familiar with the most basic of local neighborhood problems. Councilwoman Everett's ignorance of our plight makes clear that you cannot be aware of them from a citywide perch.

Under our current at-large system of representation, no single member of the city council is responsible and accountable for the actions of the city, particularly in a local neighborhood. With each member representing the entire city, individual communities within the city are left to be one small voice lobbying at-large city council.

In a city of this size, we need direct accountability to ensure the job gets done. On the county, state, and federal level, we have direct accountability. Your members of Congress, State Representative, or Senator or county commissioner represents you and your neighborhood. If they don't do a good job, you can turn them out of office. It's a simple, straightforward relationship.

Unfortunately, our city council members are elected at-large. They don't respond to the concerns of a particular neighborhood. I believe these modest changes will create better representation for all city residents. This, in turn, will result in higher quality city services, ultimately leading to more livable neighborhoods—the essential prerequisite to a world-class city.

Senator Cropsey's statement is as follows:

I just wanted to make one comment on the corrections budget. Ninety-nine percent of what we adopted in the corrections budget was what was recommended by the Governor. Out of the \$1.8 billion budget, there is \$20 million that was under contingent—actually it was more like \$15 million. I just wanted everyone to know that basically what the Governor had recommended to us, we did adopt. It was only a very small part—one percent—that was really under any serious contention in this body today.

Senator Scott's statement is as follows:

The Senate Democratic Caucus Consumer Protection Task Force on Insurance Industry Reform, of which I was a co-chair, heard testimony from audience members in Detroit, Muskegon, and Saginaw, and thanks to technology from the Michigan Virtual University, a real-time public survey was conducted during each task force hearing. The survey was designed to solicit and collect attendees' feedback electronically on six pre-selected questions. Overall, attendees were most concerned with redlining—39 percent; and access to affordable insurance—35 percent. Nearly 8 out of 10 people felt that they didn't have enough information about their insurance options. Almost two-thirds of respondents stated that they have had to go without home or auto insurance coverage at one time because they could not afford it. More than half were not satisfied or very unsatisfied with their insurance or carriers. Sixty percent of the respondents said that they received most of their insurance information from insurance agents, while 31 percent get most of their information from friends and co-workers.

I believe that these numbers speak volumes, and the citizens of Michigan deserve to be heard. We must address this important issue. To date, I have received several pieces of legislation to do just that. I am, again, requesting that these bills see action in committee, so that the members of this esteemed chamber may hear for themselves of how important insurance reform is for citizens all over this state.

This morning I was listening to the radio, and there was lady who came on the talk show. She said she was 75 years old, and she was paying \$900 for her insurance, and this was just for no-fault insurance. So if we don't want sprawl to continue, she suggested that she was going to have to move out of the city in order to get some good insurance rates. You know, as the Rabbi spoke this morning, he talked to us about taking care of all the citizens and what our responsibilities were. I hoped we listened to him because his remarks were very encouraging. If we do that, we won't have to worry about the 75-year-old lady being treated differently than some of our citizens in this state. So, again, I am asking that we deal with these insurance bills, and hopefully, when we come back from Easter break, we will be dealing with these. Again, thank you for the opportunity to share my insurance concerns again on this day.

And to my colleagues who represent Detroit, because of some of these same insurance issues, people have moved out, and we do not have the dollars that we had several years ago in the city. All of that is nothing to deal with, whether there is going to be—however the elections are going to be, whether they be by district or at-large. I would think that the majority of that, after serving on the mayor and council, that falls on the administration of those concerns that you were addressing.

Committee Reports

The Committee on Appropriations reported
Senate Bill No. 1065, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1067, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2005; and to provide for the expenditures of the appropriations.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

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; and to provide for the expenditure of the appropriations.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, March 30, 2004, at 3:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Barcia

The Committee on Judiciary reported

House Bill No. 5029, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

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

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senators Schauer, Bernero and Brater

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 30, 2004, at 12:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 30, 2004, at 3:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, Schauer and Olshove

Excused: Senator McManus

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Thursdays, April 22, April 29, May 6, May 13 and May 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Family Independence Agency - Thursday, April 1, 8:30 a.m., Room 210, Farnum Building (373-1801)

General Government - Tuesdays, April 27, May 4, May 11 and May 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

State Police and Military Affairs - Tuesdays, April 20, April 27, May 4 and May 11, 1:00 p.m., Room 405, Capitol Building (373-5932)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursdays, April 22 and April 29, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5932)

Transportation Department - Tuesdays, April 20, April 27, May 4, May 11 and May 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 4:11 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, April 1, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

