

No. 96
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Tuesday, October 5, 2004.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

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

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

Father Paul Megee of St. Mary/St. Charles Church, Cheboygan Catholic Community, of Cheboygan offered the following invocation:

We have gathered here because we are called to do a very special task, and we ask our Creator God to be with us. He has put us here in the middle of His most beautiful creation, our state of Michigan, and we thank Him. He has given us authority to rule over, to guide, and to direct this part of His creation, and we thank Him. We constantly invoke Him to be at our side, to inspire us, and to let us help in the overall scheme of things as He has determined from the very moment when time began. This awesome responsibility is not given to us lightly, but placed on us by our people, the people we govern, the people who have sent us here to protect and preserve God's creation, and again, we thank Him for that.

As we have gathered today on this most beautiful day, we come with our labors, with our thoughts, and we put into action the talents that He has given us to preserve this most beautiful place in the state of Michigan, and we thank Him again.

Lord, continue to help us, continue to inspire us, and continue to be at our side. And we say, Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

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

The motion prevailed.

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

The motion prevailed.

Senator Hammerstrom moved that Senators Birkholz and Johnson be excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

House Bill No. 6227, entitled

A bill to amend 1933 PA 62, entitled "Property tax limitation act," by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

House Bill No. 6227

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

Senator Goschka entered the Senate Chamber.

Senator Hammerstrom moved that the following bill, now on the order of Messages from the House, be referred to the Committee on Commerce and Labor:

Senate Bill No. 822, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

The motion prevailed.

Senator Hammerstrom moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Appropriations:

Senate Bill No. 1101, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 233 (MCL 436.1233).

The motion prevailed.

Senator Hammerstrom moved that the following bills, now on the order of General Orders, be referred to the Committee on Local, Urban and State Affairs:

Senate Bill No. 564, entitled

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending the title and section 3 (MCL 450.793), as amended by 1998 PA 73.

Senate Bill No. 565, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 297a.

The motion prevailed.

Senator Hammerstrom moved that the following bills, now on the order of General Orders, be referred to the Committee on Appropriations:

Senate Bill No. 1082, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 215 (MCL 18.1215), as amended by 1988 PA 504.

Senate Bill No. 1083, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 217 (MCL 18.1217), as amended by 1999 PA 8.

Senate Bill No. 1290, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 11 (MCL 432.11), as amended by 1996 PA 167.

Senate Bill No. 1392, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39f (MCL 208.39f), as added by 2002 PA 588.

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

September 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 2:47 p.m. this date, administrative rule (04-09-02) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, Entitled "Regulation No. 811. Premium Allotments to Fairs and Expositions," effective October 1, 2004.

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

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

September 30, 2004

Enclosed is a copy of the following audit report:
Performance audit of the Office of School Support Services, Michigan Department of Education.

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

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 30, for her approval the following bill:

Enrolled Senate Bill No. 1062 at 10:18 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 4, for her approval the following bills:

Enrolled Senate Bill No. 1323 at 2:16 p.m.

Enrolled Senate Bill No. 145 at 2:25 p.m.

Enrolled Senate Bill No. 1120 at 2:27 p.m.

Enrolled Senate Bill No. 1123 at 2:29 p.m.

Enrolled Senate Bill No. 1164 at 2:31 p.m.

Enrolled Senate Bill No. 1279 at 2:33 p.m.

Enrolled Senate Bill No. 1280 at 2:35 p.m.

Enrolled Senate Bill No. 1281 at 2:37 p.m.

Enrolled Senate Bill No. 1340 at 2:39 p.m.

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

House Bill Nos.	6236	6237	6238	6239	6240	6241	6242	6243	6244	6245	6246	6247	6248	6249
	6250	6251	6252	6253	6254	6255	6256	6257	6258	6259	6260	6261	6262	6263
	6264	6265	6266	6267	6268	6269	6270	6271	6272	6273	6274	6275	6276	6277
	6278	6279	6280	6281	6282	6283	6284	6285	6286	6287	6288	6289	6290	6291
	6292	6293	6294	6295										

The Secretary announced that the following official bills were printed on Friday, October 1, and are available at the legislative Web site:

Senate Bill Nos. 1434 1435 1436 1437 1438 1439 1440 1441 1442 1443 1444

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 474
Senate Bill No. 840
Senate Bill No. 785
Senate Bill No. 788
Senate Bill No. 829
Senate Bill No. 841
Senate Bill No. 1093
Senate Bill No. 863
Senate Bill No. 865
Senate Bill No. 867
Senate Bill No. 869
Senate Bill No. 872
Senate Bill No. 875
Senate Bill No. 647
Senate Bill No. 320
Senate Bill No. 267

The motion prevailed.

The following messages from the Governor were received:

Date: September 28, 2004
Time: 8:57 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1064 (Public Act No. 345), being

An act 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.

(Filed with the Secretary of State on September 29, 2004, at 3:22 p.m.)

Date: September 28, 2004
Time: 9:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1065 (Public Act No. 346), being

An act 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.

(Filed with the Secretary of State on September 29, 2004, at 3:24 p.m.)

Date: September 28, 2004
Time: 9:13 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1068 (Public Act No. 347), being

An act to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(Filed with the Secretary of State on September 29, 2004, at 3:26 p.m.)

Date: September 30, 2004
Time: 10:33 a.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1069 (Public Act No. 351), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.” by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 20j, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 37, 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 163 (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, 388.1620j, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1637, 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 388.1763), sections 3, 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, 104a, 107, and 147 as amended and sections 32j, 41a, and

98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, section 6 as amended by 2004 PA 227, section 11 as amended by 2004 PA 185, sections 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, section 20j as amended by 2001 PA 121, sections 21b, 152, and 163 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 37 as amended by 2002 PA 191, section 94a as amended by 2003 PA 180, section 101 as amended by 2004 PA 127, and section 158b as added by 1994 PA 283, and by adding sections 22d, 32k, and 107b; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2004, at 3:17 p.m.)

Date: September 30, 2004

Time: 10:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1067 (Public Act No. 352), being

An act 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.

(Filed with the Secretary of State on September 30, 2004, at 3:19 p.m.)

Date: September 30, 2004

Time: 3:08 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1104 (Public Act No. 355), being

An act to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending section 13 (MCL 141.913), as amended by 2004 PA 77.

(Filed with the Secretary of State on September 30, 2004, at 3:25 p.m.)

Date: September 30, 2004

Time: 3:10 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1111 (Public Act No. 356), being

An act to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending section 11 (MCL 141.911), as amended by 2004 PA 77.

(Filed with the Secretary of State on September 30, 2004, at 3:27 p.m.)

Date: September 30, 2004

Time: 3:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1112 (Public Act No. 357), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by

units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 44a (MCL 211.44a), as added by 1993 PA 313.

(Filed with the Secretary of State on September 30, 2004, at 3:29 p.m.)

Date: September 30, 2004

Time: 3:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1062 (Public Act No. 358), being

An act to make appropriations for community colleges 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 expenditure of those appropriations; to establish or continue certain funds, programs, and categories; to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2004, at 3:31 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received:

September 28, 2004

Today I have signed Enrolled Senate Bill 1064, the fiscal year 2005 appropriations bill for the Department of Corrections. This bill will complete the fiscal year 2004 budget for the Department of Corrections. My action today:

- Provides \$1.2 billion to imprison the state’s most dangerous felons.
- Adds \$2.3 million to hire additional parole and probation officers. The department currently supervises over 74,000 offenders through its Field Operations Administration and this funding will help to continue intense supervision for this population.
- Provides \$3.5 million in funding for a female parolee residential program that will avert the need to construct additional prison beds for female inmates. This program will contribute to improved success on parole and will help to prevent parole violations that could result in expensive returns to prison.
- Establishes a new line item for Hepatitis C testing and treatment. Funding of \$1.2 million will be used to test for and treat this disease among the inmate population. By controlling the disease among the inmate population, the state is taking great strides at addressing what could otherwise become a public health issue for all Michigan citizens.

I commend the Legislature for its work in completing the fiscal year 2005 Department of Corrections budget.

September 28, 2004

Today I have signed Enrolled Senate Bill 1065, the fiscal year 2005 appropriation bill for the Department of Education.

This bill provides over \$113.5 million to support the Department in its efforts to improve student achievement and increase accountability as required by the federal No Child Left Behind Act. The Department is responsible for administering over \$12 billion in school aid payments to school districts. In addition, this bill supports the administration of early intervention efforts for academically at-risk children, special education programs, and teacher certification programs. Grants for school breakfast programs and school readiness preschool programs are also included in this budget.

I thank the Legislature for its support of this budget bill, and look forward to working with you to ensure that our schools improve, and our students are successful in their educational careers.

September 28, 2004

Today I have signed Enrolled Senate Bill 1068, the fiscal year 2005 appropriations bill for the Department of Natural Resources.

My action today completes the fiscal year 2005 budget for the Department of Natural Resources and provides over \$260 million for a wide variety of recreational and conservation activities available to the public, including over \$50 million for parks and recreation and over \$40 million for management of forests. In addition, this bill:

- Provides \$17.6 million in support for the payment in lieu of taxes program. I encourage Legislative action on Senate Bill 1105, which will greatly assist in the effort to provide a long-term solution to the ongoing funding problem for taxes on state lands.
- Provides an additional \$1.0 million in Snowmobile Trail Improvement Funds for local snowmobile grants.

I commend the Legislature for its cooperation in finalizing the fiscal year 2005 budget for the Department of Natural Resources.

September 29, 2004

Today I have signed Enrolled Senate Bill 1067, which provides fiscal year 2005 appropriations for state universities and student financial aid. This funding will allow our state universities to remain accessible and affordable during these difficult economic times.

Total fiscal year 2005 appropriations in this bill are \$1.7 billion. This amount includes state university operations funding of \$1.4 billion keeping our commitment that those universities exercising tuition restraint will have 3 percent of their fiscal year 2004 reduction restored and retain this same level of funding in fiscal year 2005. Based on information provided to us by the 15 state universities, we expect that they will exercise tuition restraint and help keep college affordable.

Additionally, \$191 million is provided for student scholarships and grants, including: \$61.4 million to fund Michigan Merit Awards; \$61.8 million for tuition grants for students attending private colleges; \$35.6 million for state competitive scholarships; \$10.3 million for grants under the Tuition Incentive Program which provides assistance for low-income Medicaid-eligible students to attend college; and, \$4 million to continue the nursing scholarship program.

The bill also includes \$33.2 million for the Agricultural Experiment Station and \$28.6 million for Cooperative Extension Service which are part of Michigan State University, as well as \$2.7 million for grants available to public and private institutions under the King-Chavez-Parks programs to encourage minority enrollment in higher education.

I thank the Legislature for your support for our state universities and student financial aid programs during difficult budget times.

September 29, 2004

Today I have signed Enrolled Senate Bill 1062, which provides fiscal year 2005 appropriations and fiscal year 2004 supplemental funding for community colleges. The funding ensures that these colleges will remain accessible and affordable during these difficult economic times.

Total fiscal year 2005 appropriations for community colleges are \$285.7 million. This amount includes operations funding of \$280 million keeping our commitment that those community colleges exercising tuition restraint will have 3 percent of their fiscal year 2004 reduction restored and retain this same level of funding in fiscal year 2005. Based on information provided to us by the colleges, we expect that they will exercise tuition restraint and help keep community college affordable.

In addition to this operations funding, the bill includes \$3.3 million for the at-risk student success program to assist students who are academically at-risk. The bill also includes \$2.4 million to reimburse colleges that lose property tax revenue as a result of Renaissance Zones.

I thank the Legislature for your work on these appropriations for community colleges, which are a very important component of Michigan's education system.

September 30, 2004

Today I have signed Enrolled Senate Bill 1069, the school aid bill for fiscal year 2005. This bill appropriates over \$12.5 billion for fiscal year 2005 to support K-12 education in Michigan - \$11.2 billion in state funds and \$1.3 billion in federal funds. This represents an increase of more than \$150 million over fiscal year 2004 spending.

This budget demonstrates that education remains Michigan's top priority. In the face of continued budget pressures and declining state revenues, we have succeeded in restoring a minimum per-pupil foundation allowance for school operating purposes of \$6,700, at a cost of \$9.6 billion. We have protected state funding for academically at-risk children at \$314.2 million, School Readiness preschool grants at \$72.8 million, and have continued our commitment to early literacy programs by appropriating \$3.3 million for Great Parents, Great Start. This budget also provides over \$900 million in state funding for special education programs.

Creation of the adult learning system advisory committee in Section 107b of this bill is unenforceable. There is no reference to creation of the advisory body in the title of Enrolled Senate Bill 1069 and the bill embraces more than one object, making Section 107b invalid under Article IV, Section 24, of the Michigan Constitution of 1963. However, I am instructing the Department of Labor and Economic Growth to proceed with implementation of an adult learning pilot program in fiscal year 2005, consistent with the intent of Section 107b.

I commend the Legislature for their hard work on behalf of Michigan's children.

Sincerely,
Jennifer M. Granholm
Governor

The following messages from the Governor were received and read:

September 30, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Executive Order 2002-3, MCL 12.192:

Michigan Public Educational Facilities Authority

Mr. Ganesh V. Reddy, a Democrat, of 3614 Ponderosa Drive, Okemos, Michigan 48864, county of Ingham, succeeding Yvonne Blackmond, whose term has expired, appointed for a term commencing September 30, 2004 and expiring March 18, 2008.

September 30, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments under Sections 21 and 22 of the Tax Tribunal Act, 1973 PA 186, MCL 205.721 and 205.722:

Michigan Tax Tribunal

Ms. Sherry A. Lee of 18721 Gainsborough Road, Detroit, Michigan 48223, county of Wayne, succeeding Victoria Enyart, whose term has expired, representing certified assessors, for a term commencing November 22, 2004 and expiring June 30, 2008.

Ms. Judith R. Trepeck of 7412 Sherwood Creek Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Karen B. McComb, who has resigned, representing certified public accountants, for a term commencing October 11, 2004 and expiring June 30, 2005.

October 1, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 302 and 802 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.802:

Athletic Board of Control

Mr. Douglas J. Maskin of 527 North Cranbrook Road, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Glenn Hirsch, whose term has expired, representing professionals, for a term commencing October 1, 2004 and expiring March 31, 2008.

Mr. Earle L. Robinson of 1308 Glenmeadow Lane, East Lansing, Michigan 48823, county of Ingham, succeeding William Phillips, whose term has expired, representing professionals, for a term commencing October 1, 2004 and expiring March 31, 2008.

October 1, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office under Sections 16121 and 16621 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16621:

Michigan Board of Dentistry

Ms. Rhonda J. Hennessy, D.D.S., of 39488 Village Run Drive, Northville, Michigan 48167, county of Wayne, succeeding Jane Grover, whose term has expired, representing dentists, for a term commencing October 1, 2004 and expiring June 30, 2008.

Mr. Raymond A. Maturo, D.D.S., of 2023 Seneca Avenue, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Jeffrey Schmidt, whose term has expired, representing dentists with health specialty certification, for a term commencing October 1, 2004 and expiring June 30, 2008.

Ms. Martha S. Swiger of 4228 Greenwood Road, Petoskey, Michigan 49770, county of Emmet, succeeding Linda Borowski, whose term has expired, representing dental hygienists, for a term commencing October 1, 2004 and expiring June 30, 2008.

Mr. Ashraf M. Maher, D.D.S., of 4107 Old Field Trail, Kalamazoo, Michigan 49008, county of Kalamazoo, reappointed to represent dentists, for a term expiring June 30, 2008.

Ms. Barbara A. Purifoy-Seldon of 28315 West Kalong Circle, Southfield, Michigan 48034, county of Oakland, reappointed to represent dental hygienists, for a term expiring June 30, 2008.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF COMMUNITY HEALTH

September 29, 2004

Today I have signed Enrolled Senate Bill 1063, the fiscal year 2005 Department of Community Health appropriation. However, I am returning it to you because of items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill that has been filed with the Secretary of State.

This bill appropriates nearly \$10.2 billion, an amount which represents a significant commitment to the health of Michigan's citizens. Highlights of the bill include:

- The appropriation of \$7 billion to support the Medicaid program, including Children's Special Health Care Services, which provides health care for over 1.4 million low income residents of Michigan. I commend you for protecting this essential program from major budgetary reductions, even in this constrained economy.
- The provision of over \$2.3 billion to support mental health and substance abuse services. The continuation of this significant level of funding will support quality care for those most in need.
- The appropriation of over \$544 million for other public health and aging programs.

I have vetoed the following appropriations for the reasons noted below.

I vetoed Section 454 because it directed the department to conduct a feasibility study that duplicates efforts already underway to encourage coordination and collaboration among local health and human services agencies.

Section 1687 was vetoed because it earmarks scarce state resources for a health initiative that, while worthwhile, is targeted to only one facility.

While I have found it necessary to make modifications to the bill you sent me, I have concurred with the vast majority of your budget actions. I appreciate the Legislature's cooperation in the development of a particularly difficult budget and your effort to be fiscally responsible in this time of restricted revenue.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 28, 2004, at 8:45 a.m. (Filed with the Secretary of State on September 29, 2004, at 3:52 p.m.) and assigned Public Act No. 349.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF ENVIRONMENTAL QUALITY

September 29, 2004

Today I have signed Enrolled Senate Bill 1066, the fiscal year 2005 appropriations bill for the Department of Environmental Quality. I am, however, returning it to you because of four items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

My action today completes the fiscal year 2005 budget for the Department of Environmental Quality and provides over \$340 million for the protection of public health and the preservation of our natural resources. Over \$140 million will be used to provide grants to locals for cleanup and pollution prevention efforts while \$145 million will be used for land, water, and air quality programs. In addition, this bill:

- Provides general fund savings of \$16.3 million by issuing revenue bonds as the state match for the federally funded water pollution control and drinking water revolving fund.
- Provides general fund savings of \$8.2 million by using available refined petroleum funds for refined petroleum related programs.

My action today also vetoes four items with which I do not concur. I have vetoed boilerplate section 904, which earmarks funding for water quality monitoring grants at specific beaches. A Great Lakes Beach Monitoring Grant Program currently exists and these communities are encouraged to apply for funding under that program. I have vetoed boilerplate section 702, which provides \$800,000 for a dioxin bio-availability study, as current law requires the responsible party to pay for this type of study. I have vetoed boilerplate section 903, which earmarks \$250,000 for a real-time water quality monitoring grant for a specific site in the St. Clair watershed. It has not been demonstrated that

equipment is available to perform real time monitoring and alternative systems for monitoring the St. Clair watershed are under development at this time. I have vetoed boilerplate section 603, which requires the department to complete the wetland inventory by August 30, 2005.

Finally, I believe that section 210 unduly hinders my authority under federal law to decline any request made to the State of Michigan to divert water from the Great Lakes. My commitment to protect the Great Lakes from water diversion remains steadfast and I will not hesitate to take all necessary and appropriate steps toward that end.

This bill supports the essential operations of the Department of Environmental Quality for fiscal year 2005. I thank the Legislature for its action on this budget.

Sincerely,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on September 28, 2004, at 9:10 a.m. (Filed with the Secretary of State on September 30, 2004, at 3:15 p.m.) and assigned Public Act No. 350.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

Messages from the House

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

Senate Bill No. 757
House Bill No. 4206
Senate Bill No. 220
Senate Bill No. 657
Senate Bill No. 792
Senate Bill No. 793
Senate Bill No. 795
Senate Bill No. 797
Senate Bill No. 798
Senate Bill No. 803
Senate Bill No. 953
Senate Bill No. 955
Senate Bill No. 1206
House Bill No. 4766

The motion prevailed.

Senator Thomas entered the Senate Chamber.

Senate Bill No. 1396, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 81.

Substitute (H-1).

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

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

Roll Call No. 721

Yeas—36

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

Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Goschka
Hammerstrom

Leland
McManus
Olshove
Patterson
Prusi

Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Birkholz

Johnson

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

House Bill No. 5118, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474c; and to repeal acts and parts of acts.

(For text of amendment, see Senate Journal No. 95, p. 2044.)

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

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

Roll Call No. 722

Yeas—35

Allen
Barcia
Basham
Bernero
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—1

Sanborn

Excused—2

Birkholz

Johnson

Not Voting—0

In The Chair: Sanborn

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 Switalski 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. 6227, entitled

A bill to amend 1933 PA 62, entitled "Property tax limitation act," by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

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:

Senate Bill No. 1383, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 10 (MCL 224.10), as amended by 2003 PA 137.

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. 4600, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2003 PA 61.

Substitute (S-3).

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

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

Senator Hammerstrom moved that the Committee on Education be discharged from further consideration of the following bills:

House Bill No. 6230, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 1704a (MCL 388.1704a), as amended by 2003 PA 158.

House Bill No. 6231, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1279 and 1279d (MCL 380.1279 and 380.1279d), section 1279 as amended by 1997 PA 175 and section 1279d as added by 2002 PA 640.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

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:

House Bill No. 6227

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

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

Senate Bill No. 1175

Senate Bill No. 1176

House Bill No. 5763

House Bill No. 6227

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1175, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2003 PA 183.

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. 723

Yeas—36

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

Nays—0

Excused—2

Birkholz

Johnson

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1176, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 395.

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. 724**Yeas—36**

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

Nays—0**Excused—2**

Birkholz Johnson

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5763, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

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. 725**Yeas—36**

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

Nays—0**Excused—2**

Birkholz Johnson

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6227, entitled

A bill to amend 1933 PA 62, entitled “Property tax limitation act,” by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

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. 726**Yeas—31**

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

Nays—4

Bishop	Cassis	Patterson	Sanborn
--------	--------	-----------	---------

Excused—2

Birkholz	Johnson
----------	---------

Not Voting—1

Emerson

In The Chair: Sanborn

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 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 limits on the rate of taxation on property; to provide for a division of the rate of taxation between counties, townships, municipal corporations, intermediate school districts, and other local units; to earmark funds raised by increasing the total tax limitation; to prescribe penalties and provide remedies; and to repeal all acts and parts of acts and charters and parts of charters of municipal corporations inconsistent with or contravening the provisions of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I recently received an e-mail from a young Marygrove College student who was writing about her interest in the high cost of auto insurance in Detroit. After deciding to write her project report on this issue and doing some research on the Internet, she came across the information on hearings held by the Democratic Task Force on Consumer Protection, of which I served as co-chair, as well as the hearings held across this state on credit scoring. As you know, both the Consumer Protection Task Force and the credit scoring hearings were in direct response to the rising costs of auto insurance in this state.

This young student expressed her deep interest and concern about the high cost of auto insurance in Detroit, and for the record, she doesn't even live there. I was truly inspired and encouraged by this young woman's communication. It gives me hope and optimism to continue my fight.

My only desire, however, is to have that same motivation and concern from those who can truly make a difference in helping to correct this wrong. I, again, am asking that you join me in my efforts to bring relief for the many ratepayers in this state who are being forced to pay excessive insurance premiums.

In *MIRS*, Friday, October 1, 2004, they quoted some of the things that I quoted to you last week. “Car Ownership Costs More In Detroit. A new report by Runzhelmer International shows that keeping a new car running in Detroit costs \$11,114 a year, making the Motor City the most expensive city in America to own a car, according to a recent CNN report.

In contrast, the same car would cost just \$7,131 a year in Sioux Falls, S.D., a savings of almost \$16,000 over four years. The reason? Insurance. As Senator Martha G. SCOTT (D-Highland Park) has told the Senate, nearly every session day this year, the price of insurance is out of sight in Detroit.

Detroiters pay \$4,540 a year for liability, collision and comprehensive coverage. In the second-most expensive city on the list, Los Angeles, car owners pay \$2,987 for insurance. If you live in Sioux Falls, you're paying an average of \$923 a year. The survey covered various expenses for car ownership—fuel, oil, tires, insurance, depreciation, taxes, license, inspection and registration fees. Parking fees and tickets were not included in the study.

The automobile used for every study was a 2005 Ford Taurus with air conditioning, auto transmission, speed control and anti-lock breaks.”

Committee Reports

The Committee on Finance reported

Senate Bill No. 978, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia and Thomas

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 Finance submitted the following:

Meeting held on Wednesday, September 29, 2004, at 1:50 p.m., Room 110, Farnum Building

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

The Committee on Health Policy reported

House Bill No. 5874, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16648 (MCL 333.16648), as amended by 1998 PA 496.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, George, Bernero and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 231, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

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.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 1344, entitled

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

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, George, Bernero and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, September 29, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hammerstrom (C), George, Bernero and Jacobs

Excused: Senator Patterson

The Committee on Education reported

Senate Bill No. 144, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. With the recommendation that the substitute (S-2) be adopted and that the bill then pass. The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

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 Education submitted the following:

Meeting held on Thursday, September 30, 2004, at 2:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, September 30, 2004, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, October 7, 9:00 a.m., Room 110, Farnum Building (373-1635)

Education - Wednesday, October 6, 1:00 p.m., Room 210, Farnum Building (373-6920)

Health Policy - Wednesday, October 6, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

Local, Urban and State Affairs - Wednesday, October 6, 1:30 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Wednesday, October 6, 12:00 noon or later immediately following session, Room 424, Capitol Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, October 6, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, October 6, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:54 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, October 6, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

