

**No. 67**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

---

---

Senate Chamber, Lansing, Thursday, July 3, 2003.

10:00 a.m.

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

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

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

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

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

Senator Jim Barcia of the 31st District offered the following invocation:

Lord, please bless us all as we make decisions that will affect the lives of those we represent. Grant us the wisdom to strive continually for the greater good of the people who will be impacted by our decisions and our desire to meld the very best of what we bring to this noble enterprise of public service. Grant us courage and devotion to fulfill our duties, that we may better serve our constituents and their needs. May we cooperate with our colleagues for genuine justice and peace in all that we think, say, and do.

Continue to bring out the best of the human spirit which You create in and through us. God, bless us and our fellow citizens of this great state of Michigan. Amen.

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

### Motions and Communications

Senators Brater, Basham, Schauer and Thomas entered the Senate Chamber.

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

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

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

**Senate Concurrent Resolution No. 26**

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

Senator Birkholz entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, July 2:  
**House Bill Nos. 4613 4768 4769 4770 4772 4773 4774**

The Secretary announced that the following House bills and joint resolution were received in the Senate and filed on Thursday, July 3:

**House Bill Nos. 4013 4452 4627 4630 4631 4771 4775 4776 4792 4819 4895**  
**House Joint Resolution G**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 2, for her approval the following bill:

**Enrolled Senate Bill No. 530 at 10:35 a.m.**

The Secretary announced that the following bills were available at the legislative Web site on Tuesday, July 2:

**Senate Bill No. 605**  
**House Bill Nos. 4902 4903 4904 4905 4906 4907 4908 4909 4910 4911 4912 4913 4914**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

Senator Hammerstrom moved that the following bills be placed at the head of the Messages from the House calendar:

**Senate Bill No. 537**  
**Senate Bill No. 230**  
**Senate Bill No. 448**  
**Senate Bill No. 449**  
**Senate Bill No. 462**  
**House Bill No. 4657**

The motion prevailed.

**Senate Bill No. 537, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74117 (MCL 324.74117), as added by 1995 PA 58; and to repeal acts and parts of acts.

(The bill was returned from the House with amendments and amendments to the amendments adopted. See Senate Journal No. 66, p. 1147).

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

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

The motion prevailed.

The question being on the adoption of the amendments,

Senator McManus withdrew the amendments.

Senators McManus and Birkholz offered the following amendment to the amendments:

1. Amend House Amendment No. 1, page 2, following line 25, subsection (4) after “**obtained**” by striking out the balance of the amendment and inserting “**an annual motor vehicle permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park campground during the period of the camping stay may obtain a duplicate motor vehicle permit for a towed second motor vehicle present at the time of entry for a fee of \$10.00 effective for the duration of camping stay.**”

(5) **The department shall provide an annual report to the standing committees in the senate and house of representatives along with the appropriate budget subcommittees that primarily consider natural resources issues that detail the revenue stream generated by the fee structure under this section. This report shall be presented not later than December 31 each year and shall include information on the impact of the revenue stream on the Michigan state parks endowment fund created in section 35a of article IX of the state constitution of 1963 and provided for in section 74119, the use of the general fund for funding the state park system, and other relevant issues that impact funding needs for the state park system.**” and renumbering the remaining subsections.

The amendment to the amendments was adopted.

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

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

**Roll Call No. 331**

**Yeas—36**

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

**Nays—1**

Sanborn

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

The motion prevailed.

Senator Birkholz's statement is as follows:

I would urge the support of this amendment. The second part of this amendment is very key to this process. There is a question as to the ability of the first part of the amendment not to cost the department more money. We have also added into the revenue stream this year some money from the state parks endowment funds for operations, which I have strong concerns about. I understand in a downturn economy the importance of this to keep our state parks operational. I also question the departments doing this. I am very concerned about this being an ongoing procedure in the future.

As a former state parks board member, I want a report. I want to scrutinize this, and make sure that our state parks are adequately funded, helping to serve the people of this state, but also protecting our natural resources.

**Senate Bill No. 230, entitled**

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 134 (MCL 125.534). (For text of amendment, see Senate Journal No. 66, p. 1154.)

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

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

**Roll Call No. 332**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 448, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

(For text of amendments, see Senate Journal No. 66, p. 1155.)

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

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

**Roll Call No. 333****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 449, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XV (MCL 775.22), as added by 1993 PA 343.

(For text of amendments, see Senate Journal No. 66, p. 1155.)

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

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

**Roll Call No. 334****Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 462, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312b, 312c, 811a, and 811b (MCL 257.312b, 257.312c, 257.811a, and 257.811b), section 312b as amended by 2000 PA 456, section 312c as amended by 1996 PA 345, section 811a as amended by 1992 PA 59, and section 811b as added by 1987 PA 85.

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. 335****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

**House Bill No. 4657, entitled**

A bill to amend 1984 PA 44, entitled “Motor fuels quality act,” by amending section 4 (MCL 290.644), as amended by 1986 PA 127.

(For text of amendment, see Senate Journal No. 66, p. 1156.)

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

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

**Roll Call No. 336**

**Yeas—27**

|          |             |           |             |
|----------|-------------|-----------|-------------|
| Allen    | Cropsey     | Jelinek   | Sikkema     |
| Barcia   | Garcia      | Johnson   | Stamas      |
| Bernero  | George      | McManus   | Switalski   |
| Birkholz | Gilbert     | Olshove   | Thomas      |
| Bishop   | Goschka     | Patterson | Toy         |
| Brown    | Hammerstrom | Sanborn   | Van Woerkom |
| Cassis   | Hardiman    | Schauer   |             |

**Nays—10**

|        |               |        |       |
|--------|---------------|--------|-------|
| Basham | Clark-Coleman | Jacobs | Prusi |
| Brater | Clarke        | Leland | Scott |
| Cherry | Emerson       |        |       |

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**Senate Bill No. 121, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 3 (MCL 205.3), as amended by 2002 PA 657.

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. 133, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7u, 7cc, 7dd, 24c, 27d, and 120 (MCL 211.7u, 211.7cc, 211.7dd, 211.24c, 211.27d, and 211.120), sections 7u and 24c as amended by 2002 PA 620, section 7cc as amended by 2002 PA 624, section 7dd as amended and section 27d as added by 1996 PA 476, and section 120 as added by 1995 PA 74.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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 sections 7u, 7cc, 7dd, 9, 24c, 27d, and 120 (MCL 211.7u, 211.7cc, 211.7dd, 211.9, 211.24c, 211.27d, and 211.120), sections 7u and 24c as amended by 2002 PA 620, section 7cc as amended by 2002 PA 624, section 7dd as amended and section 27d as added by 1996 PA 476, section 9 as amended by 1996 PA 582, and section 120 as added by 1995 PA 74.

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

#### **Senate Bill No. 463, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2002 PA 553.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 20, after "the" by striking out "first".
2. Amend page 5, line 23, by striking out all of line 23.
3. Amend page 6, line 6, after "image" by inserting "**and signature**".
4. Amend page 10, following line 15, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2003."

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

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

#### **Senate Bill No. 464, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 2 (MCL 254.312).

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

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

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

#### **Senate Bill No. 509, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 732a.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), 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. 578, entitled**

A bill to establish American heroes week in the state of Michigan.

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. 575, 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 2002 PA 679.

(Substitute H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 337****Yeas—8**

Cropsey  
Gilbert

McManus  
Olshove

Patterson  
Stamas

Toy  
Van Woerkom

**Nays—29**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown

Cassis  
Cherry  
Clark-Coleman  
Clarke  
Emerson  
Garcia  
George

Goschka  
Hammerstrom  
Hardiman  
Jacobs  
Jelinek  
Johnson  
Leland

Prusi  
Sanborn  
Schauer  
Scott  
Sikkema  
Switalski  
Thomas

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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 Barcia as Chairperson.

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

**House Bill No. 4192, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35, 37, 43, and 62a (MCL 205.735, 205.737, 205.743, and 205.762a), section 35 as amended by 2000 PA 165, section 37 as amended by 1996 PA 505, and section 43 as amended and section 62a as added by 1994 PA 254.

**House Bill No. 4704, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 2002 PA 258; and to repeal acts and parts of acts.

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

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

**House Bill No. 4708, 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 1989 PA 251.

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

1. Amend page 3, line 1, by striking out all of subsection (4) and renumbering the remaining subsections.
2. Amend page 3, line 16, after "**years**" by inserting "**or the useful life of the property acquired, whichever is less**".

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was announced:

**House Bill No. 4748, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 2538, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.2538, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, sections 2529 and 8371 as amended by 2002 PA 605, and section 2538 as amended by 1999 PA 151, and by adding sections 171 and 244.

(This bill was read a third time on July 1 and consideration postponed. See Senate Journal No. 65, p. 1119.)

The question being on the passage of the bill,

Senator Patterson offered the following substitute:

Substitute (S-4).

The question being on the adoption of the substitute,

Senator Cropsey offered the following amendments to the substitute:

1. Amend page 14, line 2, after "**fund.**" by inserting "**Monies deposited in the fund are not fees collected under the Title IV-D state plan.**".
2. Amend page 14, line 10, after "**support.**" by inserting "**Money expended from the fund by the department of attorney general shall not be treated as program income under the state plan.**".

The amendments to the substitute were adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefore.

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. 338****Yeas—35**

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

**Nays—1**

Sanborn

**Excused—1**

Kuipers

**Not Voting—1**

Johnson

In The Chair: President

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

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

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

“An act to 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. 4515, entitled**

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

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. 339****Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 4516, entitled**

A bill to amend 1982 PA 415, entitled “Correctional officers’ training act of 1982,” by amending the title and sections 2, 3, 4, 5, and 15 (MCL 791.502, 791.503, 791.504, 791.505, and 791.515); and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 340****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

“An act to improve the training and education of state and local correctional officers; to provide for the certification of state correctional officers and the development of standards and requirements for state and local correctional

officers; to provide for the creation of a correctional officers' training council and a central training academy; and to prescribe the powers and duties of certain state agencies.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4517, entitled**

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” (MCL 801.1 to 801.27) by adding section 4b.

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. 341**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4154, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 719 and 720 (MCL 257.719 and 257.720), section 719 as amended by 2002 PA 453 and section 720 as amended by 2002 PA 535.

The question being on the passage of the bill,

Senator Pursi offered the following amendments:

1. Amend page 5, line 27, after “**The**” by striking out “**provision in subsection (2)(a)**” and inserting “**provisions in subsections (2)(a) and (3)(b)**”.

2. Amend page 13, line 13, after “**section**” by inserting “**and a waiver of the tiedown requirements under 49 C.F.R. 393.116 is authorized by the United States department of transportation, federal motor carrier safety administration**”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 342****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4300, entitled**

A bill to amend 1913 PA 380, entitled “An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act,” by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

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. 343****Yeas—36**

|        |               |             |         |
|--------|---------------|-------------|---------|
| Allen  | Cherry        | Hammerstrom | Prusi   |
| Barcia | Clark-Coleman | Hardiman    | Schauer |
| Basham | Clarke        | Jacobs      | Scott   |

|          |         |           |             |
|----------|---------|-----------|-------------|
| Bernero  | Cropsey | Jelinek   | Sikkema     |
| Birkholz | Emerson | Johnson   | Stamas      |
| Bishop   | Garcia  | Leland    | Switalski   |
| Brater   | George  | McManus   | Thomas      |
| Brown    | Gilbert | Olshove   | Toy         |
| Cassis   | Goschka | Patterson | Van Woerkom |

**Nays—1**

Sanborn

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**Senate Bill No. 189, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

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. 344****Yeas—35**

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

**Nays—2**

Cropsey

Garcia

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4522, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 826, 845, and 933 (MCL 168.826, 168.845, and 168.933), as amended by 1999 PA 217, and by adding section 848.

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. 345****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the



resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4247, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 310d, 310e, 319, 624b, 625, 625a, 625c, 625g, 625i, and 625m (MCL 257.310d, 257.310e, 257.319, 257.624b, 257.625, 257.625a, 257.625c, 257.625g, 257.625i, and 257.625m), sections 310d and 625g as amended by 1999 PA 73, section 310e as amended by 2002 PA 554, section 319 as amended by 2002 PA 534, section 624b as amended by 1998 PA 349, sections 625 and 625m as amended by 2000 PA 460, section 625a as amended by 1998 PA 351, section 625c as amended by 1998 PA 350, and section 625i as amended by 1998 PA 354, and by adding section 1d.

The question being on the passage of the bill,

Senator Barcia offered the following amendments:

1. Amend page 33, line 10, after “person” by striking out the balance of the subsection and inserting “if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person’s ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.”

2. Amend page 54, line 5, after “upon” by striking out the balance of the subsection and inserting “any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, “any bodily alcohol content” means either of the following:

(i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person’s body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.”

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 346**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4248, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 12f, 33, and 48 of chapter XVII (MCL 777.12f, 777.33, and 777.48), section 12f as added by 2002 PA 34 and sections 33 and 48 as amended by 2000 PA 279.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4579, entitled**

A bill to amend 1980 PA 307, entitled “Savings and loan act of 1980,” by amending section 1135 (MCL 491.1135), as added by 2002 PA 185.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 347**

**Yeas—37**

|          |               |          |           |
|----------|---------------|----------|-----------|
| Allen    | Clark-Coleman | Hardiman | Sanborn   |
| Barcia   | Clarke        | Jacobs   | Schauer   |
| Basham   | Cropsey       | Jelinek  | Scott     |
| Bernero  | Emerson       | Johnson  | Sikkema   |
| Birkholz | Garcia        | Leland   | Stamas    |
| Bishop   | George        | McManus  | Switalski |
| Brater   | Gilbert       | Olshove  | Thomas    |

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

“An act to revise and codify the laws relating to savings and loan associations; to provide for the incorporation, regulation, supervision, and internal administration of associations; to prescribe the rights, powers, and immunities of associations; to provide for voluntary and involuntary changes in the corporate structure of associations; to prescribe the powers, rights, and duties of certain state agencies in relation to associations; to require certain reports and examinations of associations; to prescribe remedies and penalties for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4580, entitled**

A bill to amend 1999 PA 276, entitled “Banking code of 1999,” by amending section 4406 (MCL 487.14406), as added by 2002 PA 183.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 348**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

“An act to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; 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. 4581, entitled**

A bill to amend 1996 PA 354, entitled “Savings bank act,” by amending section 514 (MCL 487.3514), as added by 2002 PA 247.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 349****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

“An act to codify the laws relating to savings banks; to provide for incorporation, regulation, supervision, and internal administration of savings banks; to prescribe the rights, powers, and immunities of savings banks; to prescribe the powers and duties of certain state agencies and officials; to provide for remedies; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4582, entitled**

A bill to amend 1925 PA 285, entitled “An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions,” by amending section 16c (MCL 490.16c), as added by 2002 PA 184.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 350**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 4502, entitled**

A bill to amend 1981 PA 230, entitled “Michigan economic and social opportunity act of 1981,” by amending the title and sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 400.1103, 400.1104, 400.1105, 400.1106, 400.1107, 400.1108, 400.1109, 400.1110, and 400.1111), section 11 as amended by 1998 PA 76; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 351**

**Yeas—37**

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

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

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

“An act to create a bureau of community services and a commission on economic and social opportunity within the department of labor to reduce the causes, conditions, and effects of poverty and promote social and economic opportunities that foster self-sufficiency for low income persons; to provide for the designation of community action agencies; and to prescribe the powers and duties of the bureau, the commission, and the community action agencies.”.

The Senate agreed to the full title.

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

**House Bill No. 4248, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 12f, 22, 33, and 48 of chapter XVII (MCL 777.12f, 777.22, 777.33, and 777.48), section 12f as added by 2002 PA 34, section 22 as amended by 2002 PA 143, and sections 33 and 48 as amended by 2000 PA 279.

(This bill was read a third time earlier today and consideration postponed. See p. 1182.)

The question being on the passage of the bill,

Senator Cropsey offered the following amendments:

1. Amend page 5, line 1, after “**and**” by striking out the balance of the subdivision and inserting “**any of the following apply:**

(i) **The offender was under the influence of or visibly impaired by the use of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.**

(ii) **The offender had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the offender had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.**

(iii) **The offender’s body contained any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.”.**

2. Amend page 6, line 2, after “locomotive” by striking out the balance of the subdivision and inserting “**while the offender was under the influence of alcoholic or intoxicating liquor, a controlled substance, or a combination of alcoholic or intoxicating liquor and a controlled substance; or while the offender’s body contained any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or a controlled substance described in section 7214 (a)(iv) of the public health code, 1978 PA 368, MCL 333.7214; or while the offender had an alcohol content of 0.08 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine**

or, beginning October 1, 2013, the offender had an alcohol content of 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.....10 points”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 352**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

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 Barcia 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. 540, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 1, line 7, by striking out “438,548,200” and inserting “497,613,200”.
2. Amend page 2, line 2, by striking out “396,959,500” and inserting “456,024,500”.
3. Amend page 2, line 4, by striking out “393,843,500” and inserting “439,143,500”.
4. Amend page 2, line 9, by striking out “(29,279,900)” and inserting “(15,514,900)”.
5. Amend page 2, line 24, by striking out all of subsection (2).
6. Amend page 10, line 14, by striking out “0” and inserting “100”.
7. Amend page 10, following line 16, by inserting:  
 “Lead abatement effectiveness program ..... 100”.
8. Amend page 13, following line 17, by inserting:

**“Sec. 108a. MICHIGAN STRATEGIC FUND**

**(1) APPROPRIATION SUMMARY**

|  |               |
|--|---------------|
| GROSS APPROPRIATION .....  | \$ 10,000,000 |
| Interdepartmental grant revenues:                                    |               |
| Total interdepartmental grants and intradepartmental transfers ..... | \$ 0          |
| ADJUSTED GROSS APPROPRIATION .....                                   | \$ 10,000,000 |
| Federal revenues:  |               |
| Total federal revenues .....   | 0             |
| Special revenue funds:   |               |
| Total local revenues .....   | 0             |
| Total private revenues .....   | 0             |
| Total other state restricted revenues .....                          | 0             |
| State general fund/general purpose .....                             | \$ 10,000,000 |

**(2) MICHIGAN STRATEGIC FUND**

|   |               |
|---|---------------|
| Biosciences research and commercialization center ..... | \$ 10,000,000 |
| GROSS APPROPRIATION .....                               | \$ 10,000,000 |
| Appropriated from:                                      |               |
| Special revenue funds:                                  |               |
| State general fund/general purpose .....                | \$ 10,000,000 |

9. Amend page 13, line 20, by striking out “6,769,500” and inserting “8,269,500”.
10. Amend page 13, line 24, by striking out “6,769,500” and inserting “8,269,500”.
11. Amend page 14, line 5, by striking out “0” and inserting “1,500,000”.
12. Amend page 14, following line 20, by inserting:

**“(4) PAYMENTS IN LIEU OF TAXES**

|  |              |
|--|--------------|
| Purchased lands taxes .....              | \$ 1,500,000 |
| GROSS APPROPRIATION .....                | \$ 1,500,000 |
| Appropriated from:                       |              |
| Special revenue funds:                   |              |
| State general fund/general purpose ..... | \$ 1,500,000 |

**Sec. 109a. DEPARTMENT OF STATE**

**(1) APPROPRIATION SUMMARY**

|  |               |
|--|---------------|
| GROSS APPROPRIATION .....  | \$ 47,565,000 |
| Interdepartmental grant revenues:                                    |               |
| Total interdepartmental grants and intradepartmental transfers ..... | \$ 0          |
| ADJUSTED GROSS APPROPRIATION .....                                   | \$ 47,565,000 |



|   |              |
|---|--------------|
| Federal revenues:                           |              |
| Total federal revenues .....                | 45,300,000   |
| Special revenue funds:                      |              |
| Total local revenues .....                  | 0            |
| Total private revenues .....                | 0            |
| Total other state restricted revenues ..... | 0            |
| State general fund/general purpose .....    | \$ 2,265,000 |

**(2) ELECTION REGULATION**

|                             |               |
|-----------------------------|---------------|
| Help America vote act ..... | \$ 47,565,000 |
| GROSS APPROPRIATION .....   | \$ 47,565,000 |

Appropriated from:

|  |                |
|--|----------------|
| Federal revenues:                        |                |
| Total federal revenues .....             | 45,300,000     |
| Special revenue funds:                   |                |
| State general fund/general purpose ..... | \$ 2,265,000”. |

13. Amend page 19, line 6, after “is” by striking out “\$3,720,700.00” and inserting “\$17,485,700.00”.

14. Amend page 19, line 7, after “are” by striking out “\$10,045,000.00” and inserting “\$11,545,000.00”.

15. Amend page 19, following line 13, by inserting:

“DEPARTMENT OF NATURAL RESOURCES

|                             |               |
|-----------------------------|---------------|
| Purchased lands taxes ..... | \$ 1,500,000” |
|-----------------------------|---------------|

16. Amend page 19, line 14, by striking out “10,045,000” and inserting “11,545,000” and adjusting the subtotals, totals, and section 201 accordingly.

17. Amend page 19, line 21, by striking out all of section 251.

18. Amend page 21, following line 2, by inserting:

“Sec. 254. State payments to Eastern Michigan University authorized under PA 144 of 2002 shall be suspended on the effective date of this act, pending approval of a use and finance statement by the joint capital outlay subcommittee for the president’s house construction project at Eastern Michigan University. Payments shall resume in their entirety once the use and finance statement, as required by section 501 of PA 518 of 2002, is approved by the joint capital outlay subcommittee.

**DEPARTMENT OF COMMUNITY HEALTH**

Sec. 301. (1) The department shall undertake a national state by state survey of pharmaceutical based disease management and health management programs.

(2) The department shall compile this survey into a report, with recommendations, and make this report available to the senate and house subcommittees on community health and the senate and house fiscal agencies no later than January 1, 2004.”.

Sec. 302. (1) The department in conjunction with pharmaceutical manufacturers, or their agents, may establish pilot projects to test the efficacy of disease management and health management programs.

(2) The department may negotiate a plan that uses the savings resulting from the services rendered from these programs, in lieu of requiring a supplemental rebate for the inclusion of those participating parties products on the department’s preferred drug list.”.

19. Amend page 22, following line 11, by inserting:

“Sec. 353. Of the funds appropriated in section 105 for lead abatement effectiveness programs, the department shall give priority to local programs which meet the following criteria:

(1) Have abated units at a rate greater than 15 in the previous six-month period.

(2) Have a percentage of greater than 15% of children tested for lead in counties with more than 1,000 children under the age of six years of age.

(3) Have more than 4% of children tested with elevated blood lead levels in counties with more than 1,000 children.”.

20. Amend page 24, following line 5, by inserting:

**MICHIGAN STRATEGIC FUND**

Sec. 381. (1) The biosciences research and commercialization center shall be located in Kalamazoo County. The center will coordinate research initiatives and provide an organizational home for scientists as they work to establish new businesses, obtain extramural funding to support research programs, and develop a center of excellence in pharmaceutical development to support commercialization of the life sciences in Michigan. The mission of the center will be to discover new knowledge, to generate and acquire intellectual property, to commercialize intellectual property, to catalyze economic development, and to enrich the intellectual culture of the community. There shall be three partners in the organization of the center, as follows:

(a) The life sciences consortium: The consortium shall be a regional coordinating group composed of Western Michigan University, other educational organizations, medical organizations, economic developers, corporate partners, and governmental entities. The purpose of the consortium is to strengthen research and development in the life sciences in west Michigan.

(b) The center: The center shall coordinate and promote life sciences research and commercialization at Western Michigan University and within the business technology park; provide an organizational structure for research scientists and engineers; provide an entity to receive and license intellectual property; and provide a vehicle for entrepreneurial activities required for commercialization.

(c) The research foundation: The foundation is a non-for-profit entity that supports the research activities of Western Michigan University, including the center, other research centers within Western Michigan University, and research activities of students, faculty, and staff. The foundation has the ability to sponsor entrepreneurial activities, and will ultimately mimic the Wisconsin alumni research foundation in its ability to sponsor research.

(2) The life sciences steering committee shall provide advice and oversight of the center, including the development of criteria for awarding allocations from this appropriation and review and approval of any grants or contracts. The criteria for awarding allocations shall include the following:

(a) The local community and the center shall submit a proposal that demonstrates the ability to leverage significant additional public or private investment, and provides a minimum of 25% of each allocation in matching funds.

(b) 5% of any royalties or return on investment directly related to research or commercialization activities developed by the center shall be deposited into the general fund.

(c) The proposal submitted by the local community and the center shall demonstrate a commitment to enter into collaborative research projects with Michigan universities or private research facilities.

(d) From the funds appropriated for this initiative, any unexpended or unencumbered balance shall be deposited into a work project account and be subject to the management and budget act, 1984 PA 431, MCL 18.1451a.

(e) The center shall provide to the Michigan economic development corporation and the life sciences steering committee reasonable access to the records of the center.

(3) The Michigan economic development corporation shall provide a report to the senate majority leader, the speaker of the house, the chairs of the senate and house appropriations committees, the members of the senate and house subcommittees, the senate and house fiscal agencies, and the state budget director by February 1, 2004. The report shall include the following information:

(a) The status of the center.

(b) The status of the appropriation for the center.

(c) A listing of the activities of the center that have been paid for with any allocation from the appropriation.

(d) A listing of the number of employees at the center as of the date of the report and a listing of the number of employees at the center as of the date of the application for each allocation of the appropriation. If the employment at the center, or at any entity controlled by the center, has been reduced, the report shall include a detailed explanation as to why employment has been reduced.

(e) A listing of any individuals, corporations, or other entities that have received any grants from the center. If any grants have been made, the report shall include a description of the activities undertaken by the grant recipient.”

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

**“DEPARTMENT OF STATE**

Sec. 501. The unexpended funds appropriated in part 1 for the help America vote act of 2002, Public Law 107-252, 116 Stat. 1666, are considered work project appropriations and any unencumbered or unallotted funds are carried over into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to implement provisions of the help America vote act, section 37 of 2002 PA 91, MCL 168.37, and other election reforms.

(b) These projects will be accomplished by state employees, by contracts with private vendors, or by grants to local units of government.

(c) The total estimated cost of this project is \$47,565,000.00.

(d) The tentative completion date for this project is September 30, 2007.”

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. 540**

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

The following bill was read a third time:

**Senate Bill No. 540, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2003 and 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 Cherry offered the following amendments:

1. Amend page 17, line 13, by striking out “308,152,100” and inserting “308,402,100”.
2. Amend page 17, line 17, by striking out “308,152,100” and inserting “308,402,100”.
3. Amend page 17, line 24, by striking out “304,302,100” and inserting “304,552,100”.
4. Amend page 17, following line 26, by inserting:

**“Sec. 153. DEPARTMENT OF COMMUNITY HEALTH**

**(1) APPROPRIATION SUMMARY**

|  |    |         |
|--|----|---------|
| GROSS APPROPRIATION .....  | \$ | 250,000 |
| Interdepartmental grant revenues:                                    |    |         |
| Total interdepartmental grants and intradepartmental transfers ..... | \$ | 0       |
| ADJUSTED GROSS APPROPRIATION .....                                   | \$ | 250,000 |
| Total federal revenues .....   |    | 0       |
| Total local revenues .....   |    | 0       |
| Total private revenues .....   |    | 0       |
| Total state restricted revenues .....                                |    | 0       |
| State general fund/general purpose .....                             | \$ | 250,000 |

**(2) DEPARTMENTWIDE ADMINISTRATION**

|                             |    |         |
|-----------------------------|----|---------|
| Primary care services ..... | \$ | 250,000 |
| GROSS APPROPRIATION .....   | \$ | 250,000 |

Appropriated from:

Special revenue funds:

|  |    |          |
|--|----|----------|
| State general fund/general purpose ..... | \$ | 250,000” |
|--|----|----------|

5. Amend page 25, line 10, after “is” by striking out “\$308,152,100.00” and inserting “\$308,402,100.00” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 28, following line 16, by inserting:

**“DEPARTMENT OF COMMUNITY HEALTH**

Sec. 1401. From the funds appropriated in part 1A for primary care services, \$250,000.00 may be allocated to free health clinics operating in the state. An advisory committee may be appointed by the department and include not less than 4 members representing free health clinics, 1 member representing the Michigan state medical society, 1 member representing the Michigan health and hospital association, and 1 member representing nurse practitioners. Health clinics receiving funding under this section shall register with the department by submitting a form to be designed by the committee. For the purpose of this appropriation, free health clinics are health care facilities that provide services without charge or compensation.”.

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. 353**

**Yeas—18**

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

**Nays—19**

|          |         |             |           |
|----------|---------|-------------|-----------|
| Allen    | Cropsey | Hammerstrom | Patterson |
| Birkholz | Garcia  | Hardiman    | Sanborn   |

Bishop  
Brown  
Cassis

George  
Gilbert  
Goschka

Jelinek  
Johnson  
McManus

Sikkema  
Stamas

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

Senator Cherry offered the following amendments:

1. Amend page 1, line 7, by striking out “438,548,200” and inserting “467,828,200”.
2. Amend page 2, line 2, by striking out “396,959,500” and inserting “426,239,500”.
3. Amend page 2, line 9, by striking out “(29,279,900)” and inserting “100”.
4. Amend page 6, line 19, by striking out “269,835,300” and inserting “299,115,300”.
5. Amend page 6, line 23, by striking out “269,835,300” and inserting “299,115,300”.
6. Amend page 7, line 4, by striking out “(29,280,000)” and inserting “0”.
7. Amend page 8, following line 22, by inserting:  
“Transfer to Medicaid benefits trust fund..... 29,280,000”.
8. Amend page 8, line 23, by striking out “268,110,000” and inserting “297,390,000”.
9. Amend page 9, line 2, by striking out “999,000” and inserting “30,279,000”.
10. Amend page 19, line 6, after “is” by striking out “\$3,720,700.00” and inserting “\$33,000,700.00” and adjusting the subtotals, totals, and section 201 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. 354**

**Yeas—16**

Barcia  
Basham  
Bernero  
Brater

Cherry  
Clark-Coleman  
Clarke  
Emerson

Jacobs  
Leland  
Olshove  
Prusi

Schauer  
Scott  
Switalski  
Thomas

**Nays—21**

Allen  
Birkholz  
Bishop  
Brown  
Cassis  
Cropsey

Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jelinek  
Johnson  
McManus  
Patterson

Sanborn  
Sikkema  
Stamas  
Toy  
Van Woerkom

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

Senator Switalski offered the following amendments:

1. Amend page 2, following line 23, by inserting:

**“(2) STATE BUILDING AUTHORITY FINANCED CONSTRUCTION PROJECTS**

Department of corrections - Scott correctional facility, 400-bed drop-in unit, for design and construction (total authorized cost \$4,800,000; state building authority share \$4,799,900; state general fund share \$100) .....

GROSS APPROPRIATION ..... \$ 100

Appropriated from:

Special revenue funds:

State general fund/general purpose ..... \$ 100”.

2. Amend page 19, following line 20, by inserting:

“Sec. 251. The total project cost for the appropriation in 2002 PA 530 for the construction of a 336-bed housing unit and replacement food services building at camp Brighton is reduced from \$10,750,000.00 to \$0.00. The federal share is decreased from \$7,075,000.00 to \$0.00, and the state building authority share of \$3,675,000.00 is transferred to construction of the 400-bed housing unit at the Robert Scott correctional facility included in part 1.” 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. 355**

**Yeas—36**

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

**Nays—1**

Brater

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 124**

**Senate Resolution No. 126**

The resolution consent calendar was adopted.

Senator Brater offered the following resolution:

**Senate Resolution No. 124.**

A resolution celebrating the 40th Anniversary of the Michigan Civil Rights Commission.

Whereas, The Michigan Civil Rights Commission was created by the people of the state of Michigan in a time of overt discrimination against women, people of color, and those with disabilities; and

Whereas, During the last 40 years, many things have improved, but the Commission's struggle to end discrimination and promote diversity is far from over; and

Whereas, The protections to ensure the safety and security of Michiganders must include the right to nondiscrimination and access to opportunity as defined under the law; and

Whereas, As part of the Michigan Department of Civil Rights' preventive approach to civil rights issues, it directly serves the state's business and governmental communities in their efforts to promote diversity; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 40th Anniversary of the Michigan Civil Rights Commission. We congratulate them on all of their hard work on behalf of the people of this state and look forward to their further successes; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Civil Rights Commission in support of their mission.

Senators Sanborn, Patterson, Bishop, Switalski, Olshove, Goschka, Garcia, Stamas, Van Woerkom, Johnson, Gilbert, Toy, George, Cassis, McManus, Jelinek, Brater, Birkholz, Hardiman, Cropsey, Scott, Leland, Basham, Jacobs, Clarke, Sikkema, Hammerstrom, Brown, Clark-Coleman, Prusi, Thomas, Cherry, Allen, Schauer, Emerson, Barcia and Bernero offered the following resolution:

**Senate Resolution No. 126.**

A resolution to express congratulations to Joe Dumars for being named NBA Executive of the Year, and thank him for all the thrills he has provided the state of Michigan over the years.

Whereas, Joe Dumars came to the great state of Michigan to play basketball for the Detroit Pistons in 1985, and he has continued to contribute to the success of the team after retiring from his playing days. In addition to being a key member of the 1989-90 and 1990-91 back-to-back World Championship teams, he was honored as the 1989 NBA Finals MVP, averaging 27.5 points during that series; and

Whereas, The players on the basketball court are responsible for winning games. It is also important to have the right general manager who can assemble a team of professionals to give the team a chance to be victorious. For that reason, the Detroit Pistons went back to a proven winner by naming Joe Dumars the president of basketball operations on June 6, 2000; and

Whereas, Under the guidance of Joe Dumars, the Pistons have returned to their winning ways and have restored excitement in the hearts of basketball fans throughout Michigan. It is through the efforts of Joe Dumars that the Pistons were able to return to the Conference Finals in 2003 for the first time since 1990; and

Whereas, Putting together a winning team has only been part of Mr. Dumars' legacy. He has also contributed heavily to the community in which he lives, sponsoring charity tennis tournaments and opening the Joe Dumars Fieldhouse, which has provided a safe and healthy environment for children and adults to enjoy; now, therefore, be it

Resolved by the Senate, That we hereby express our thanks and congratulations to Joe Dumars not only for being named the 2003 Executive of the Year by the NBA, but also for giving back to the community in such positive ways; and be it further

Resolved, That copies of this resolution be transmitted to Joe Dumars, the Detroit Pistons, and the National Basketball Association as a reflection of our esteem.

**House Concurrent Resolution No. 17.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kellogg Community College relative to the Kellogg Community College Career Development Center/Science Building Renovations.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 356**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**House Concurrent Resolution No. 18.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 357**

**Yeas—37**

|          |               |          |           |
|----------|---------------|----------|-----------|
| Allen    | Clark-Coleman | Hardiman | Sanborn   |
| Barcia   | Clarke        | Jacobs   | Schauer   |
| Basham   | Cropsey       | Jelinek  | Scott     |
| Bernero  | Emerson       | Johnson  | Sikkema   |
| Birkholz | Garcia        | Leland   | Stamas    |
| Bishop   | George        | McManus  | Switalski |
| Brater   | Gilbert       | Olshove  | Thomas    |

Brown  
Cassis  
Cherry

Goschka  
Hammerstrom

Patterson  
Prusi

Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**House Concurrent Resolution No. 19.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Southwestern Michigan College relative to the Southwestern Michigan College Instructional Resource Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 358**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President



**House Concurrent Resolution No. 20.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Northwestern Michigan College relative to the Northwestern Michigan College West Bay Reconstruction Project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 359**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**House Concurrent Resolution No. 21.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Natural Resources State Fish Hatchery Renovations Platte Project.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 360**

**Yeas—37**

|          |               |          |           |
|----------|---------------|----------|-----------|
| Allen    | Clark-Coleman | Hardiman | Sanborn   |
| Barcia   | Clarke        | Jacobs   | Schauer   |
| Basham   | Cropsey       | Jelinek  | Scott     |
| Bernero  | Emerson       | Johnson  | Sikkema   |
| Birkholz | Garcia        | Leland   | Stamas    |
| Bishop   | George        | McManus  | Switalski |

Brater  
Brown  
Cassis  
Cherry

Gilbert  
Goschka  
Hammerstrom

Olshove  
Patterson  
Prusi

Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**House Concurrent Resolution No. 22.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Health and Human Services Building.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 361**

**Yeas—37**

Allen  
Barcia  
Basham  
Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Leland  
McManus  
Olshove  
Patterson  
Prusi

Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**House Concurrent Resolution No. 23.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College Van Buren Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 362****Yeas—37**

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

**Nays—0****Excused—1**

Kuipers

**Not Voting—0**

In The Chair: President

**Senate Concurrent Resolution No. 26.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to permit beach grooming on private property and to encourage the United States Army Corps of Engineers to work with property owners on the stewardship of beaches.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

Senators Barcia and Basham offered the following amendments to the substitute:

1. Amend the title, line 1, after “States” by striking out the balance of the line through “permit” on line 2 and inserting “to work with the appropriate federal agencies in adopting guidelines on”.

2. Amend the first Resolved clause, line 2, after “States” by striking out the balance of the line through “permit” on line 3 and inserting “to work with the appropriate federal agencies in adopting guidelines on”.

The amendments to the substitute were adopted.

The substitute, as amended, was adopted.

The concurrent resolution, as substituted, was adopted.

Senators Goschka, Brater and Barcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

I rise in strong support of this amendment. I support Senator Barcia in his leadership on this issue. This has been an ongoing issue. I personally believe that the federal government has been very much involved in a taking issue, and we really need to stand up for the citizens in this state. They should have the right to groom their lawns and their beaches if they want to. I very much support Senator Barcia, and I would urge support for this as well.

Senator Brater's first statement is as follows:

I am supportive of this amendment. I still do have some concerns about the resolution because I think we have to be careful of what we are communicating to the general public on this issue. Some of the information going out in the press is not totally portrayed. The limitations in the original limitations, so that is really my intent to get up and clarify this beach grooming program, as passed in the Legislature and signed by the Governor, is a very limited program. It's a pilot project. Property owners still need the approval and the permission of the DEQ or at least to inform the DEQ in certain cases that they are going forward with these activities.

I am very concerned that we not send a message to the U.S. Army Corps of Engineers that we don't want them to enforce federal guidelines and regulations on protecting these coastal wetlands because they are a very integral part of our ecosystem. The immuring vegetation, which some people are calling weeds, is actually habitat and breeding areas for aquatic life. It could interfere with our fishery in Lake Michigan, which those of the people advocating for this who are concerned about tourism, I think, should also be concerned about protecting this delicate ecosystem.

I just wanted to get up and clarify what the environmental perspective is on this issue, and I appreciate everyone working together on this.

Senator Brater's second statement is as follows:

Just for clarification, the issue here is very debatable when it comes to property rights because we are talking about vegetation that is occurring below the ordinary high watermark, which is bottomland of the Great Lakes. So it's very debatable whether this is public domain or private property.

Senator Barcia's first statement is as follows:

The amendment that is before the body is offered by myself and Senator Ray Basham. It addresses some of the concerns that were expressed in the committee on natural resources relative to the scope and the intent of the resolution. These amendments perfect the resolution by narrowing the scope of what the Senate and the House would be requesting of our congressional delegation in Washington, by striking the balance of the line through "permit" on the following line and inserting "to work with the appropriate federal agencies in adopting guidelines on," rather than requesting legislative action with regard to the treatment of wetlands under the Clean Water Act.

It goes a little further, the second part of the amendment after "States" by striking the balance of the line through "permit" on the following line and inserting, again, "to work with the appropriate federal agencies in adopting guidelines on."

The attempt would be to make the request of the resolution in sequence with the legislation, Public Act 14, that was passed and introduced by Representative Brian Palmer earlier this year.

I want to thank, again, each member of the committee, as well as the chair and the very dedicated staff, both minority and majority staff, who worked so diligently on the work that is before that committee. This is the second time that we have been to the natural resources committee to attempt to address the issue of property owners located along the Lake Huron shoreline.

I want to thank the chair, Senator Birkholz, who also will explain the amendment. I thank her for her gracious and expeditious handling of this issue, as well as her very fine staff and each committee member.

Senator Barcia's second statement is as follows:

I will be very brief. I would be remiss also if I didn't acknowledge the tremendous work the President of the Senate, our Lieutenant Governor John Cherry, did in leading discussions also to try to forge a compromise. I know that each member of the natural resources committee worked diligently to provide the most environmental-friendly version of the House-passed legislation that would address these issues. The state of Michigan took a very big step last month in hammering out what is a workable compromise on the contentious issue of beach maintenance. Now the Congress needs to help push the Army Corps of Engineers to simply work with the Department of Environmental Quality and property owners to bring federal and state guidelines and regulations into the sequentialization.

The effective compromise that was reached between the DEQ and shoreline residents demonstrates that balance can and should be struck between environmental considerations and private property rights. It is time for the federal government to follow our lead and take advantage of this opportunity to show that they will work in good faith with property owners on the stewardship of our beaches.

Also I would like to express our gratitude to Governor Granholm for when she signed this legislation one day after its passage, she announced that this was a temporary solution to a temporary problem. That is certainly our hope. It addresses what is a 4 1/2 foot-drop in the lake level in Lake Huron.

So I would ask colleagues to support this resolution, encouraging our Michigan delegation and Congress to work cooperatively with the U.S. Army Corps of Engineers to help reduce the conflicts and interactions between our property owners and our federal and state regulatory agencies.

On one final note, I would like to say that the Department of Environmental Quality has been cooperating very well with the property owners. We are very pleased with their reaction and support of the legislation.

Senators Garcia, Bishop, Stamas, Johnson and Hardiman offered the following resolution:

**Senate Resolution No. 125.**

A resolution to recognize Option One Mortgage Corporation and H&R Block Mortgage Corporation.

Whereas, The Michigan State Senate recognizes the important value of homeownership to the overall well-being and economic progress of individuals, families, and communities; and

Whereas, The Michigan State Senate supports both public and private efforts to extend affordable homeownership to those whose circumstances make it difficult to purchase habitable housing at fair market prices; and

Whereas, To help redevelop abandoned or blighted urban neighborhoods with quality, affordable housing, the Michigan State Senate welcomes private initiatives; and

Whereas, Option One Mortgage Corporation and its wholly-owned subsidiary, H&R Block Mortgage Corporation, have made and continue to make mortgage capital available to the people of the state of Michigan at fair and affordable terms; and

Whereas, This year, Detroit-area associates of Option One Mortgage Corporation and H&R Block Mortgage Corporation have voluntarily given of their time, labor, skill, and energy during the months of March through July to work with Habitat for Humanity in the construction of a new single-family home, located at 3377 Williams in Detroit's Core City Neighborhood, for the benefit of the Smith family; now, therefore, be it

Resolved by the Senate, That we hereby commend the Detroit-area associates of Option One Mortgage Corporation and H&R Block Mortgage Corporation for their civic-mindedness, as exemplified by their contributions to improving the lives of the Smith family and the Core City Neighborhood; and be it further

Resolved, That we commend Option One Mortgage Corporation and H&R Block Mortgage Corporation for their commitment to uphold responsible mortgage lending practices and to give back to the communities in which they do business, as demonstrated by their support for Habitat for Humanity; and be it further

Resolved, That copies of this resolution be transmitted to the owners and management of Option One Mortgage Corporation and H&R Block Mortgage Corporation as they enjoy the appreciation of the Smith family and the recognition of a grateful state.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Banking and Financial Institutions.

The motion prevailed.

Senators Cropsey, Patterson, Bishop and Sanborn offered the following resolution:

**Senate Resolution No. 127.**

A resolution to memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals.

Whereas, The Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, The Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, This obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied"; and

Whereas, Both of Michigan's Senators continue to block the Judiciary Committee of the United States Senate from holding hearings regarding these nominees. This refusal to allow the United States Senate to complete its constitutional

duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, We join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan"; and

Whereas, We are concerned about the Sixth Circuit as a whole, a circuit court understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, The last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities"; and

Whereas, Decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and, as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

Resolved, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senators Cropsey, Patterson, Bishop and Sanborn offered the following concurrent resolution:

**Senate Concurrent Resolution No. 27.**

A concurrent resolution to memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals.

Whereas, The Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, The Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, This obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase "justice delayed is justice denied"; and

Whereas, Both of Michigan's Senators continue to block the Judiciary Committee of the United States Senate from holding hearings regarding these nominees. This refusal to allow the United States Senate to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, We join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that "if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan"; and

Whereas, We are concerned about the Sixth Circuit as a whole, a circuit court understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, The last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling "a caseload that is excessive by any standard." Judge Merritt also wrote that the court was "rapidly deteriorating, understaffed and unable to properly carry out their responsibilities"; and

Whereas, Decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and, as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

Resolved, That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Judiciary.

The motion prevailed.

#### **Senate Concurrent Resolution No. 4.**

A concurrent resolution to memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services.

(For text of resolution, see Senate Journal No. 11, p. 120.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

#### **Messages from the Governor**

The following message from the Governor was received:

Date: July 2, 2003

Time: 2:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

#### **Enrolled Senate Bill No. 22 (Public Act No. 32), being**

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create

county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 106a.

(Filed with the Secretary of State on July 2, 2003, at 2:48 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Cropsey’s statement is as follows:

I’m not sure how many people in this body realize we have an emergency in the Sixth Circuit Court of Appeals. I’ve introduced Senate Concurrent Resolution No. 27 and Senate Resolution No. 127 today, and hopefully, we’ll be taking those up in the Judiciary Committee. I think it’s important for this body to know the dire emergency we have. I believe I’ve had distributed on all the desks a letter to the Majority Leader of the United States Senate that’s been signed by 11 outstanding members of the State Bar of Michigan and of some of the other states, in which they are stating that there is a dire emergency in the administration of justice that has brought home to numerous Americans the truth of the phrase “justice delayed is justice denied.”

A United States congressional delegation has written to Senator Orrin Hatch asking him to have hearings on the four nominees from Michigan who are in front of his committee. Unfortunately, he is not able to have a hearing because of some of the rules in the Senate in which our two United States Senators have pulled their blue slips stating they do not want to have hearings on these.

The Sixth Circuit as a whole continues to be tainted by scandals and burdened by high caseloads. The scandal is so large it may have influenced a United States Supreme Court decision that just came down within the last two or three weeks. This came out of the Sixth Circuit Court of Appeals.

The letter goes on and it states that the Sixth Circuit is understaffed with four of its 16 seats vacant. It is next to last out of the 12 circuits in the time it takes to complete cases. Since 1996, each active judge has had an increase in his or her caseload by 46 percent—more than three times the national average. The Sixth Circuit takes over 40 percent longer than the national average to process a case. We have legislation in front of this body that is as a result of cases in the state of Michigan—our law—and it’s going to take extraordinarily long to hear this case, and in the meantime, our business community is up in the air because of a case that’s supposed to be heard by this court some time in the near future.

The Ohio Attorney General has stated that the death penalty appeals are facing prolonged delays because of the backlog in the Sixth Circuit. The chief judge of the Western District of Michigan, Judge Bell, says there’s a crisis because of these vacancies. An attorney in Cincinnati has had a job discrimination suit in front of the Sixth Circuit Court of Appeals that’s been on for several months, waiting 15 months, and in the meantime, her client has died. Talk about justice delayed as being justice denied, certainly that is the case.

Decisions from the Sixth Circuit are coming in slow based on less careful deliberation, and therefore, because of that, the decisions are less likely to be just and predictable.

Who are these members of the Sixth Circuit who are being held up by our two United States Supreme Court Senators? First on is Judge David McKeague who has his office within a block of this Capitol. He was confirmed unanimously for the district court by the Democrats and Republicans in the United States Senate in 1991. I ask Senator Levin and Senator Stabenow why are they holding up Judge McKeague’s nomination to the Sixth Circuit Court of Appeals?

The other judge is Judge Neilson, a Wayne County judge. The American Bar Association unanimously said that Judge Neilson is well qualified—their highest rating. Judge Neilson is supported by the treasurer of the Michigan Democratic Party and also by the past president of the Michigan Trial Lawyers Association who is on the current Board of Governors of the American Trial Lawyers Association, both of them stating that Judge Neilson would be an excellent addition to the Court of Appeals.

We have Judge Saad who has received broad bipartisan support when he ran for election to the Court of Appeals. He was endorsed by the Chamber of Commerce and the United Auto Workers. Stephen Yockich sent a statement of support for Judge Saad to the Court of Appeals.



We have Judge Griffin, who is on the Michigan Court of Appeals. He also received a well-qualified rating from the Bar Association. He is supported by former President Gerald Ford and also by the former mayor of Detroit, Roman Gribbs.

I would strongly urge Senator Stabenow and Senator Levin to give us the reasons why they are holding up the administration of justice in the Sixth Circuit Court of Appeals. It's time to move. It's time to move now.

Senator Garcia's statement is as follows:

My topic will be somewhat different. Actually, I bring a lesson in history. Today is July 3, 2003, and 140 years ago was the date of the famous charge of Cemetery Ridge, the Battle of Gettysburg, where General Pickett led 15,000 troops up against the Union line. On that day, the Union line held firm, the Confederates were defeated, and the Union was preserved.

The reason I bring that to the members' attention is because, as someone who loves history, I understand that it's important that we remember the sacrifices of those who have gone before us, even if we have no chance at all of recognizing who they were.

The Battle of Gettysburg, which began on July 1 and ran through July 3, was a significant turning point in American history. I'm afraid that it doesn't get its fair share of attention in today's history and textbooks. So I just wanted to bring to the members' attention, in that battle there were approximately 50,000 battle casualties—that's wounded, killed, and missing in action. That's a significant number of people who, for one reason or another, laid down their lives or were injured for their cause. If it wasn't for the men who served on those days, from July 1 through July 3, our Union would not be what it is today.

So, again, this is just a short history lesson. Today is the 140th anniversary of the conclusion of the Battle of Gettysburg and the charge of Cemetery Ridge by General Pickett, in which, fortunately, he was not successful.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Tuesday, July 15.  
The motion prevailed.

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senators Allen and Bishop introduced

##### **Senate Bill No. 607, entitled**

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending section 5 (MCL 123.1135).

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

Senator Brater introduced

##### **Senate Bill No. 608, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 5 and 10 (MCL 125.585 and 125.590), section 5 as amended by 2000 PA 20, and by adding section 5c.

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

Senators Brater, Jacobs, Emerson, Clarke, Scott, Leland, Clark-Coleman, Bernero and Thomas introduced

##### **Senate Bill No. 609, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 302, 302a, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2302a, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, section 202 as amended by 1991 PA 11, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

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

Senators Brater, Olshove, Basham, Jacobs, Switalski, Clarke, Clark-Coleman, Prusi, Thomas, Schauer, Leland, Scott, Cherry, Jelinek, Hammerstrom, Toy, Bernero, George, Cropsey, Gilbert, Brown, Barcia, Allen, Van Woerkom, Emerson, Goschka, Garcia, McManus, Hardiman, Birkholz and Bishop introduced

##### **Senate Bill No. 610, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 64 (MCL 421.64), as amended by 1993 PA 275.

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

**House Joint Resolution G, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to establish a hiring preference for veterans in the classified state civil service.

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

The joint resolution was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

**House Bill No. 4013, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

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

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

**House Bill No. 4452, 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 2002 PA 476.

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

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

**House Bill No. 4613, entitled**

A bill to amend 2001 PA 181, entitled "An act to authorize the board of a school district to award high school diplomas to World War II veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials," by amending the title and section 1 (MCL 35.341).

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

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

**House Bill No. 4627, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 7 (MCL 254.317).

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 Transportation.

**House Bill No. 4630, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable

solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322).

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 Transportation.

#### **House Bill No. 4631, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending the title and section 11 (MCL 247.661), the title as amended by 1997 PA 79 and section 11 as amended by 2002 PA 639.

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 Transportation.

#### **House Bill No. 4768, entitled**

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

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

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

#### **House Bill No. 4769, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 115b, 115f, 115g, and 117e (MCL 400.115b, 400.115f, 400.115g, and 400.117e), section 115b as amended by 1998 PA 516, sections 115f and 115g as amended by 2002 PA 648, and section 117e as amended by 1983 PA 222.

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

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

**House Bill No. 4770, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2002 PA 564, and by adding section 6a.

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

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

**House Bill No. 4771, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2002 PA 605.

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

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

**House Bill No. 4772, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 7, 13, 27, and 35 (MCL 552.607, 552.613, 552.627, and 552.635), section 7 as amended by 2002 PA 572, section 13 as amended by 1998 PA 334, section 27 as amended by 2001 PA 106, and section 35 as amended by 2002 PA 567.

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

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

**House Bill No. 4773, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 17, 17b, and 19 (MCL 552.517, 552.517b, and 552.519), sections 17 and 17b as amended by 2002 PA 571 and section 19 as amended by 2002 PA 569.

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

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

**House Bill No. 4774, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2 and 3a (MCL 552.602 and 552.603a), as amended by 2002 PA 572, and by adding section 3d.

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

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

**House Bill No. 4775, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 7 (MCL 722.717), as amended by 2001 PA 109.

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

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

**House Bill No. 4776, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 7, and 19 (MCL 552.502, 552.507, and 552.519), section 2 as amended by 2002 PA 571, section 7 as amended by 1996 PA 144, and section 19 as amended by 2002 PA 569, and by adding section 7a.

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

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

**House Bill No. 4792, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 5e.

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

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

**House Bill No. 4819, 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.

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

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

**House Bill No. 4895, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 67.

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 Transportation.

**Committee Reports**

The Committee on Natural Resources and Environmental Affairs reported

**Senate Concurrent Resolution No. 26.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to permit beach grooming on private property and to encourage the United States Army Corps of Engineers to work with property owners on the stewardship of beaches.

(For text of resolution, see Senate Journal No. 22, p. 242.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to memorialize the Congress of the United States to enact legislation to permit beach maintenance activities as defined in 2003 PA 14 and to encourage the United States Army Corps of Engineers to work with property owners on the stewardship of beaches.

Whereas, The most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, With the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by vegetation, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, As a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, The effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation similar to 2003 PA 14 (Enrolled House Bill No. 4257) to permit beach maintenance activities as defined in 2003 PA 14. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Patricia L. Birkholz  
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Basham

Nays: Senator Brater

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Natural Resources and Environmental Affairs submitted the following:  
Meeting held on Tuesday, July 1, 2003, at 3:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Birkholz (C), Van Woerkom, Brater and Basham  
Excused: Senator Patterson

**Scheduled Meetings****Conference Committees -**

**Community Colleges (HB 4388)** - Wednesday, July 9, and Thursday, July 10, 9:30 a.m., Room H-424, Capitol Building (373-6960)

**General Government (SB 270)** - Tuesday, July 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:35 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, July 15, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate