

No. 97
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, November 13, 2003.

10:00 a.m.

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

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

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

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

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

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

Dear God, as You look down upon this great body, we ask that You give us the strength to faithfully fulfill our duties to the citizens of this great state. We ask that You impart to us wisdom and good judgment. We pray for the courage to make decisions that reflect Your eternal vision of justice and compassion. Let us never forget that while You have blessed us with the freedom to chart our own course, You have also shown us the path to salvation.

Lord, as we begin today, we thank You for Your many blessings. Give each of us the grace to let Your Spirit guide our work. We pray these things in Your name. Amen.

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

Motions and Communications

Senators George, Emerson and Leland entered the Senate Chamber.

Senator Hammerstrom moved that Senators Jelinek and Goschka be temporarily excused from today's session. The motion prevailed.

Senators Goschka and Jelinek entered the Senate Chamber.

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

Senate Resolution No. 188

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

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

Senate Bill No. 808

Senate Bill No. 809

Senate Bill No. 814

Senate Bill No. 825

Senate Bill No. 840

Senate Bill No. 841

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

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

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

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

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

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:18 a.m.

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

During the recess, Senator Sanborn introduced to the Senate Milo Radulovich, who was wrongfully accused by the U.S. Air Force during the McCarthyism era, and Judge Kenneth Sanborn, who was his attorney at the time, and presented them with Senate Resolution No. 198.

Mr. Radulovich and Judge Sanborn responded briefly.

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

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

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

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

Recess

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

The motion prevailed, the time being 10:20 a.m.

10:28 a.m.

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

During the recess, Senator Bernero introduced to the Senate Sandra Draggoo, Executive Director of the Capital Area Transportation Authority, who was named Manager of the Year by the American Public Transportation Association, and presented her with a Special Tribute.

Ms. Draggoo responded briefly.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, November 12:

House Bill Nos. 5045 5221 5222

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, November 13:

**House Bill Nos. 4039 4296 4439 4585 4766 4887 4896 4898 4920 5129 5145 5172 5184 5195
5214 5235 5240 5264 5270**

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, November 12:

Senate Bill Nos. 840 841

Messages from the Governor

The following message from the Governor was received on November 12, 2003, and read:

EXECUTIVE ORDER
No. 2003-21

Recognizing Veterans Day

Whereas, the United States of America were founded upon the principles of life, liberty, and the pursuit of happiness—values defended throughout our Nation’s history by the men and women of our Armed Forces;

Whereas, under Section 6103 of Title 5 of the United States Code and Section 1 of 1865 PA 1, November 11th is set aside as a legal public holiday in recognition of the contributions of our service men and women;

Whereas, on Veterans Day we recognize all those who have honorably worn the uniforms of our Armed Forces in service to this great nation;

Whereas, Veterans Day is particularly poignant this year as we honor not just those who have served in the past, but those servicemen and servicewomen putting their lives on the line in Iraq, Afghanistan, and other countries around the world;

Whereas, members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending the Nation’s security;

Whereas, while we honor the duty, honor, and selfless service of all veterans, we also remember those who have given the ultimate sacrifice by laying down their lives to defend the freedoms our Nation holds so dear;

Whereas, we particularly pause to remember and honor the 17 Michigan servicemen who gave their lives in service to our county in Iraq or Afghanistan during the last year;

Whereas, under Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States of America be flown at half-staff;

Whereas, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan as a mark of respect for the memory and in honor of the service of all members of our Armed Forces killed in the line of duty;

Now, Therefore, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim that on Tuesday, November 11, 2003, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan, including at or on all state-owned or state-controlled buildings and military facilities.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of November, 2003.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540

Senate Bill No. 283

Senate Bill No. 464

Senate Bill No. 466

Senate Bill No. 395

The motion prevailed.

Messages from the House

Senate Bill No. 224, entitled

A bill to designate the fourth Friday in April of each year as children's memorial day 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. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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 amended the title to read as follows:

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511a; and to repeal acts and parts of acts.

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

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

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

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22a of chapter X (MCL 710.22a), as added by 1994 PA 430.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as amended by 2003 PA 153.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 3, after "within" by striking out "30" and inserting "45".

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

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

Senate Bill No. 687, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 19, by striking out all of section 10 and inserting:

"(5) Within 10 days after being sworn in, the county executive shall appoint a chief deputy. The county executive may also appoint additional deputies whom he or she considers necessary to perform the functions and duties of the office of elected county executive.

(6) The county executive shall file a statement with the county clerk identifying the individual appointed as chief deputy and all other individuals appointed as a deputy or assistant deputy. The statement shall also identify the ranking order of the deputies.

(7) If the county executive is absent or unable to perform the duties of his or her office, the chief deputy shall perform the duties of the county executive until such time that the elected county executive can resume the duties of his or her office.

(8) The county executive may revoke his or her appointments at any time.

(9) This section shall apply only to a county with a population of more than 1,000,000 and has adopted an optional unified form of county government under this act."

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

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of

county government; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 45.559), section 9 as amended by 1980 PA 100, and by adding section 9a.

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

Senate Bill No. 805, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 16, after “**201**” by inserting “**at the site proposed for grant or loan funding**”.
2. Amend page 2, line 17, after “than” by striking out “\$12,000,000.00” and inserting “**\$14,000,000.00**”.
3. Amend page 2, line 19, after “20109a.” by inserting “**Of the money provided under this subparagraph for grants, not less than \$2,000,000.00 shall be used for response activities on land, containing 1 or more landfills and 1 or more abandoned oil or gas wells, that is being redeveloped for use as a county park.**”.

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

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

Senate Bill No. 806, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 19608a.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 4, after “**authorities**” by striking out the balance of the subsection and inserting “**created under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, for response activities at known or suspected facilities with redevelopment potential.**”.
2. Amend page 2, line 1, after “of” by striking out “**the application deadline**” and inserting “**submittal of a complete loan application**”.
3. Amend page 3, line 4, by striking out all of subdivision (b) and relettering the remaining subdivisions.
4. Amend page 3, line 23, after “**assessment**” by striking out the balance of the line through “**is**” on line 24 and inserting “**and “response activity” mean those terms as they are**”.
5. Amend page 4, line 1, after “**and**” by striking out the balance of the sentence and inserting “**any additional response activity.**”.
6. Amend page 4, line 6, after the first “**plan**” by striking out “**or remedial action plan**” and inserting “**approved pursuant to the loan agreement, or a remedial action plan approved**”.

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

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

Senate Bill No. 352, entitled

A bill to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan.

Substitute (H-4).

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. 556

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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 pro tempore, Senator Birkholz, designated Senator Prusi as Chairperson.

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

Senate Bill No. 814, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as amended by 1999 PA 184.

House Bill No. 4284, entitled

A bill to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

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

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

Senate Bill No. 307, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. Substitute (S-2).

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

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

Senate Bill No. 808, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1140. Substitute (S-1).

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

1. Amend page 1, line 8, by striking out "**skilled trades**".
2. Amend page 1, line 8, after "**about**" by inserting "**skilled trades training and**".

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.

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

Senate Bill No. 809, entitled

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207).

Substitute (S-1).

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

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

Senate Bill No. 825, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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

1. Amend page 2, line 21, after "**exceed**" by striking out "**20**" and inserting "**15**".
2. Amend page 3, following line 2, by inserting:

"(a) "**Qualified collaborative agreement**" means an agreement that demonstrates synergistic opportunities, including, but not limited to, all of the following:

- (i) Sales and marketing efforts.
- (ii) Development of standardized processes.
- (iii) Development of tooling standards.
- (iv) Standardized project management methods.
- (v) Improved ability for specialized or small niche shops to develop expertise and compete successfully on larger programs." and relettering the remaining subdivisions.

3. Amend page 3, line 7, after "**a**" by inserting "**qualified**".

4. Amend page 3, line 7, after "**as**" by striking out "**determined**" and inserting "**approved**".

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

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

Senate Bill No. 840, entitled

A bill to create certain offices in certain departments; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees.

Substitute (S-1).

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

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

Senate Bill No. 841, entitled

A bill to create certain offices in certain departments; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 833

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

Senate Bill No. 833, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

Substitute (S-1).

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

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

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

- Senate Bill No. 808**
- Senate Bill No. 809**
- Senate Bill No. 814**
- Senate Bill No. 825**
- Senate Bill No. 833**

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

The following bill was read a third time:

Senate Bill No. 785, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d, 801, and 811h as amended by 2003 PA 152, sections 811d, 811f, and 811g as added by 2000 PA 77, section 811e as amended by 2001 PA 124, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, and 811p; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 20, line 25, after "**that**" by striking out the balance of the subsection and inserting "**owns the design, trade name, trademark, service mark, emblem, symbol, logo, or other image that is the subject of a written agreement under subsection (3).**".

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 557

Yeas—26

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

Nays—12

Basham	Cherry	Emerson	Schauer
Bernero	Clark-Coleman	Leland	Scott
Brater	Clarke	Prusi	Switalski

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Protest

Senator Leland, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 785 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Leland’s statement is as follows:

I rise to urge my colleagues to vote “no” on Senate Bill No. 785. There are a number of problems with this bill, a few of which I would like to highlight here. First of all, the State Police are opposed to this legislation. They are concerned that it will make it increasingly difficult to recognize and identify license plates for police officers and incident witnesses. Further, this bill establishes no limit or limitations on the number of new plates and provides no method for recall of plates that are discontinued under the imposed sales quota. How many Michigan plates do we want?

While I recognize the important role that fundraising plays for many nonprofits, the State Police also note that if an interest group elects to advertise on the back of a car, they already have the option of bumper stickers or vanity plates attached to the front of the vehicle. Current state-sponsored plates are also subject through sales quotas established in the bill. We have plates for all the state universities because the court concluded that we need to have equality in plates. If we start to drop off some and not others, then we would have abolished this equality standard. Currently, all license plates, except for the American Pride plate, are funding state entities. This bill establishes state-sponsored license plates for nonprofits, thus putting a stamp of state approval on some nonprofits, yet not others. This is a slippery slope I’m not sure we want to go down. So, again, I urge my colleagues to vote “no” on this bill.

The following bill was read a third time:

House Bill No. 4666, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 4b (MCL 125.584b).

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. 558

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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 establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the

density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.”.

The Senate agreed to the full title.

Senator Goschka moved that he be named co-sponsor of the following bill:

Senate Bill No. 352

The motion prevailed.

The following bill was read a third time:

House Bill No. 4667, entitled

A bill to amend 1943 PA 184, entitled “Township zoning act,” by amending section 16c (MCL 125.286c).

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. 559

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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 establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or

otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4668, entitled

A bill to amend 1943 PA 183, entitled “County zoning act,” by amending section 16c (MCL 125.216c).

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. 560

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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 establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5027, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 82101, 82106, 82107, and 82109 (MCL 324.82101, 324.82106, 324.82107, and 324.82109), section 82101 as amended by 2003 PA 43, section 82106 as amended by 1998 PA 297, and sections 82107 and 82109 as added by 1995 PA 58.

The question being on the passage of the bill,

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

Roll Call No. 561

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 808

Senate Bill No. 809

Senate Bill No. 814

Senate Bill No. 825

Senate Bill No. 833

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 808, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1140.

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. 562**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 809, entitled

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207).

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. 563**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 814, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as amended by 1999 PA 184.

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. 564

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 825, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

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. 565

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 833, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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. 566

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Hammerstrom moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 687

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

Senate Bill No. 687, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending section 9 (MCL 45.559), section 9 as amended by 1980 PA 100, and by adding section 9a.

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. 567

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

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

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

The Senate agreed to the title as amended.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4284

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

The following bill was read a third time:

House Bill No. 4284, entitled

A bill to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

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. 568**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

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.

Resolutions

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

Senate Resolution No. 141**Senate Resolution No. 175****Senate Resolution No. 139**

The motion prevailed.

Senate Resolution No. 189.

A resolution to memorialize the Congress of the United States to take necessary actions, through the International Monetary Fund or otherwise, to ensure that foreign nations that trade with the United States do so fairly and do not manipulate their currency.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 190.

A resolution to memorialize the Congress of the United States to develop economic incentives and other programs to aid in the recovery and stabilization of the manufacturing industry in the United States.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Resolution No. 133.

A resolution to encourage the judicious use of antibiotics.

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

1. Amend the third Whereas clause, line 1, after “Antibiotics” by striking out “overuse” and inserting “use”.

The amendment was adopted.

The resolution, as amended, was adopted.

Senate Resolution No. 194.

A resolution to urge the Michigan Education Alliance to study the issue of replacing the MEAP test with an alternative. The question being on the adoption of the resolution, The resolution was adopted. Senator Prusi was named co-sponsor of the resolution.

Senate Resolution No. 188.

A resolution to memorialize the Congress of the United States to expand its efforts through the World Trade Organization and the World Intellectual Property Organization to ensure that the intellectual property of domestic businesses and individuals is protected.

The question being on the adoption of the resolution, The resolution was adopted.

Senators Cropsey, Patterson, Birkholz, Gilbert, McManus, Toy, George, Cassis, Bishop, Allen, Kuipers, Goschka, Stamas, Van Woerkom, Hammerstrom, Jelinek, Johnson, Hardiman, Brown, Sikkema and Sanborn offered the following resolution:

Senate Resolution No. 199.

A resolution to memorialize the United States Senate to end the filibusters of the federal circuit court nominees pending on the Senate floor, to release those being held up in the Judiciary Committee of the Senate of the United States, and to support the reforms of the federal judicial confirmation process, all which will be addressed during 30 hours of floor debate this week.

Whereas, The Senate of the United States is perpetuating an injustice and endangering the well-being of many Americans. Its actions are jeopardizing our system of justice in 6 out of the 12 federal judicial circuits that have been declared "judicial emergencies," including the 6th Circuit Court of Appeals, which includes the state of Michigan; and

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

Whereas, There has never been a filibuster on any Court of Appeals nominee in the history of the Senate. This obstruction continues to harm the lives, careers, and families of eminently qualified judicial nominees and is prolonging the judicial emergencies that have compromised the administration of justice for many of our fellow citizens in Michigan and around the country; 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 and the refusal by many of their colleagues to allow the United States Senate to complete its constitutional obligation of advice and consent is denying all of the nation's filibustered nominees an up or down vote on their nominations. All the while, the severe backlog of cases is growing; and

Whereas, The 30 hours of debate on the floor of the Senate of the United States aims to improve our judicial system by attempting to end the filibuster on several nominees, and the blocking of our Michigan 6th Circuit nominees, while instituting necessary reforms in the judicial confirmation process; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Senate and Michigan's United States Senators to act to end the filibusters of the federal circuit court nominees pending on the Senate floor, to release those being upheld in the Judiciary Committee of the Senate of the United States, and to vote for the bipartisan Frist-Miller Resolution (S. Res. 249); and be it further

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

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 Schauer requested the yeas and nays.

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

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

Roll Call No. 569**Yeas—22**

Allen
Birkholz

Garcia
George

Jelinek
Johnson

Sanborn
Sikkema

Bishop
Brown
Cassis
Cropsey

Gilbert
Goschka
Hammerstrom
Hardiman

Kuipers
McManus
Patterson

Stamas
Toy
Van Woerkom

Nays—16

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove
Prusi

Schauer
Scott
Switalski
Thomas

Excused—0

Not Voting—0

In The Chair: Birkholz

Senate Concurrent Resolution No. 38.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 96, p. 2056.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Stamas, Patterson, Van Woerkom, Toy, Garcia, Basham, Gilbert, Cropsey, Birkholz and Brown introduced **Senate Bill No. 842, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 616a.

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

Senators Gilbert, Stamas, Patterson, Van Woerkom, Toy, Garcia, Basham, Cropsey, Birkholz and Brown introduced **Senate Bill No. 843, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12e of chapter XVII (MCL 777.12e), as added by 2002 PA 34.

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

Senators Garcia, Cropsey, Van Woerkom, Hardiman, McManus, Birkholz, Stamas, Brown, Jelinek and Goschka introduced

Senate Bill No. 844, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 37e.

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

House Bill No. 4039, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 50 (MCL 169.250), as added by 1994 PA 385.

The House of Representatives has passed the bill.

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

House Bill No. 4296, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514).

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

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

House Bill No. 4439, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 408, 411, 602, and 711 (MCL 484.1408, 484.1411, 484.1602, and 484.1711), sections 408 and 411 as added by 1999 PA 78, section 602 as amended by 1999 PA 80, and section 711 as added by 1999 PA 79; and to repeal acts and parts of acts.

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

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

House Bill No. 4585, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 85 and 91 (MCL 38.1385 and 38.1391), section 85 as amended by 2002 PA 94 and section 91 as amended by 1998 PA 85.

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. 4766, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21435 and 21735.

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 Health Policy.

House Bill No. 4887, entitled

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

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. 4896, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as added by 1998 PA 470.

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

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

House Bill No. 4898, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13501, 13505, 13506, 13511, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13511, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

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

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

House Bill No. 4920, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 5, 5a, 8, and 9 (MCL 28.722, 28.723, 28.724, 28.725, 28.725a, 28.728, and 28.729), sections 2, 5, 5a, 8, and 9 as amended by 2002 PA 542 and sections 3 and 4 as amended by 1999 PA 85, and by adding sections 8c and 8d.

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. 5045, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3102 (MCL 500.3102), as amended by 1990 PA 79.

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

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

House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

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

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

House Bill No. 5145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12753 (MCL 333.12753).

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

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

House Bill No. 5172, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 2002 PA 550.

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

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

House Bill No. 5184, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 13, 22, and 36 (MCL 400.713, 400.722, and 400.736), sections 13 and 22 as amended by 1994 PA 150 and section 36 as added by 1984 PA 140, and by adding section 34a.

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 Health Policy.

House Bill No. 5195, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

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. 5214, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

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

House Bill No. 5221, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

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

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

House Bill No. 5222, entitled

A bill to amend 1999 PA 244, entitled "An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act," by amending section 2 (MCL 445.2052).

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

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

House Bill No. 5235, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11527a.

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

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

House Bill No. 5240, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

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. 5264, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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

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

House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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

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

Committee Reports

The Committee on Agriculture, Forestry and Tourism reported

Senate Resolution No. 170.

A resolution honoring the Village of Constantine.

(For text of resolution, see Senate Journal No. 83, p. 1820.)

With the recommendation that the resolution be adopted.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, November 6, 2003, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert and Jelinek

Excused: Senators Brater and Thomas

The Committee on Commerce and Labor reported

Senate Resolution No. 188.

A resolution to memorialize the Congress of the United States to expand its efforts through the World Trade Organization and the World Intellectual Property Organization to ensure that the intellectual property of domestic businesses and individuals is protected.

(For text of resolution, see Senate Journal No. 92, p. 1968.)

With the recommendation that the resolution be adopted.

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Commerce and Labor reported

Senate Bill No. 808, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1140. With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

Senate Bill No. 809, entitled

A bill to amend 2002 PA 49, entitled "Michigan broadband development authority act," by amending section 7 (MCL 484.3207).

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

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

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

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

The Committee on Commerce and Labor reported

Senate Bill No. 814, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as amended by 1999 PA 184

With the recommendation that the bill pass.

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

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 825, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

With the recommendation that the bill pass.

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

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Wednesday, November 12, 2003, at 1:00 p.m., Room 210, Farnum Building

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

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 840, entitled

A bill to create certain offices in certain departments; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported

Senate Bill No. 841, entitled

A bill to create certain offices in certain departments; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees.

With the recommendation that the bill pass.

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen and Gilbert

Nays: Senators Jacobs and Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, November 12, 2003, at 3:05 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 833, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Van Woerkom and Brater

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Thursday, November 13, 2003, at 8:00 a.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Patterson, Van Woerkom and Brater
Excused: Senator Basham

Scheduled Meetings

Administrative Rules - Tuesday, December 2, 4:00 p.m., Room 424, Capitol Building (373-6476)

Appropriations -**Subcommittee -**

Natural Resources Department - Thursday, December 4, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Family Resource Center Curriculum Joint Study Committee (SCR 36) - Tuesday, November 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:23 p.m.

Pursuant to Senate Concurrent Resolution No. 38, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, December 2, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate