

**No. 38**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, April 22, 2004.

10:00 a.m.

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

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

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

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

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

Senator Michael Prusi of the 38th District offered the following invocation:

Lord God, Creator of heaven and earth, people everywhere on this beautiful planet petition You in many tongues and through many faiths. In magnificent cathedrals, humble churches, synagogues, and mosques, we pray for Your wisdom, Your compassion, and Your blessing.

If only we could always follow Your sacred teachings and live Your holy truth, we could avoid the wars and the oppression that afflict us. We could feed the hungry and heal the sick. We could truly live in the paradise that You have promised. You have provided the way; it is up to us to follow.

Here in this secular chamber, we come before You as diverse and different as the people who elected us to do their work. As we begin another day, keep us ever mindful of those differences and that diversity, for it is one of our greatest strengths. We ask that You guide us so that we can work together to ensure that this glorious part of Your creation, the great state of Michigan, becomes an even better place for all of your people to live. Amen.

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

### Motions and Communications

Senator Schauer moved that Senators Barcia and Brater be temporarily excused from today's session. The motion prevailed.

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

Senators Brater, Garcia and Leland entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Scott 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 10:07 a.m.

10:17 a.m.

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

During the recess, Senator Scott introduced students from Dickinson East Elementary School of Hamtramck and presented them with a Certificate of Excellence in honor of the Hamtramck CommUNITY Quilt, a special art project created by the students which represents the many different cultural backgrounds of the students.

Andrea Marchyok, artist-in-residence at Dickinson East Elementary School, responded briefly.

During the recess, Senator Barcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 21:  
**House Bill Nos. 4468 4584 5006 5276 5277 5278**

The Secretary announced that the following official bills were printed on Wednesday, April 21, and are available at the legislative Web site:

**Senate Bill Nos. 1146 1147 1148 1149 1150**  
**House Bill Nos. 5773 5774 5775 5776**

### Messages from the Governor

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

**Senate Bill No. 195**  
**Senate Bill No. 364**  
**Senate Bill No. 293**  
**Senate Bill No. 265**  
**Senate Bill No. 288**  
**Senate Bill No. 540**  
**Senate Bill No. 283**  
**Senate Bill No. 464**  
**Senate Bill No. 466**  
**Senate Bill No. 395**  
**Senate Bill No. 474**  
**Senate Bill No. 840**  
**Senate Bill No. 785**  
**Senate Bill No. 788**  
**Senate Bill No. 829**  
**Senate Bill No. 841**

The motion prevailed.

The following messages from the Governor were received:

Date: April 21, 2004  
Time: 7:29 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 635 (Public Act No. 74), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 21311 (MCL 333.21311), as amended by 1984 PA 311.

(Filed with the Secretary of State on April 21, 2004, at 8:00 a.m.)

Date: April 21, 2004  
Time: 7:31 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1014 (Public Act No. 75), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 36202 (MCL 324.36202), as added by 2000 PA 262.

(Filed with the Secretary of State on April 21, 2004, at 8:02 a.m.)

Date: April 21, 2004  
Time: 7:33 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1016 (Public Act No. 76), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1539 (MCL 380.1539), as added by 1988 PA 339.

(Filed with the Secretary of State on April 21, 2004, at 8:04 a.m.)

Date: April 21, 2004  
Time: 7:35 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1019 (Public Act No. 77), being**

An act to amend 1971 PA 140, entitled "An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2003 PA 168.

(Filed with the Secretary of State on April 21, 2004, at 8:06 a.m.)

Date: April 21, 2004  
Time: 7:37 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 106 (Public Act No. 78), being**

An act to designate an official state symbol for clean water in this state.

(Filed with the Secretary of State on April 21, 2004, at 8:08 a.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

### Messages from the House

**Senate Bill No. 727, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

The House of Representatives has appointed Reps. Howell, Gaffney and Lipsey as conferees to join with Sens. Sanborn, Patterson and Clark-Coleman.

The bill was referred to the Conference Committee on April 21, 2004.

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

**Senate Bill No. 307**

**Senate Bill No. 783**

**Senate Bill No. 784**

The motion prevailed.

**Senate Bill No. 653, entitled**

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 20129a (MCL 324.20129a), as amended by 1999 PA 30, and by adding section 3122a.

Substitute (H-1).

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

Senator Birkholz offered the following amendment to the substitute:

1. Amend page 1, line 3, after “shall” by striking out the balance of the section and inserting “**credit in the next fiscal year each permittee who paid a groundwater discharge permit fee a proportional amount of the fees collected in excess of \$2,000,000.00. However, if a permit is no longer required by the permittee in the next fiscal year, the department shall do the following:**

(a) **If the credited amount is \$50.00 or more, the department shall provide a refund to the permittee for the credited amount.**

(b) **If the credited amount is less than \$50.00, the department shall provide a credit to the permittee for an annual groundwater discharge permit fee that may be required in a subsequent year.”.**

The amendment to the substitute was adopted.

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

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

**Roll Call No. 225**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**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 as amended.

### Third Reading of Bills

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

**House Bill No. 4927**

**Senate Bill No. 1116**

**Senate Bill No. 869**

**Senate Bill No. 979**

**Senate Bill No. 981**

**Senate Bill No. 982**

**Senate Bill No. 985**

**Senate Bill No. 987**

**Senate Bill No. 988**

**Senate Bill No. 591**

**Senate Bill No. 1076**

**Senate Bill No. 1079**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4927, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811o.

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. 226

#### Yeas—30

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

#### Nays—7

Brater	Clarke	Leland	Switalski
Clark-Coleman	Emerson	Scott	

#### Excused—1

Thomas

#### 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 not concurred in, 2/3 of the members serving not 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.

**Protest**

Senator Switalski, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4927.

Senator Switalski’s statement is as follows:

The Thin Blue Line is a fine organization, but there are many worthy organizations in this state. I’m sure most of them would welcome a specialty plate. But those specialty plates are opposed by the State Police. We shouldn’t permit fundraising desires of private groups, no matter how worthy, to disrupt essential public safety functions. The function of a license plate is to allow law enforcement to identify vehicles. Specialty plates inhibit that function. Specialty plates are not compatible with public safety, and the State Police are telling us that. We should listen to them.

The following bill was read a third time:

**Senate Bill No. 1116, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

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. 227**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hammerstrom moved that the following bill be given immediate effect:

**House Bill No. 4927**

The motion prevailed, 2/3 of the members serving voting therefor.

The following bill was read a third time:

**Senate Bill No. 869, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 11 (MCL 207.561), as amended by 2001 PA 157.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 6, following line 24, by inserting:

**“(8) The exemption under subsection (7) is not available unless the local governmental unit in which the qualified start-up business is located approves the exemption by a resolution adopted by the governing body of the local governmental unit.”.**

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

Senator Schauer requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 228****Yeas—16**

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

**Nays—21**

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

**Excused—1**

Thomas



**Not Voting—0**

In The Chair: President

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. 229****Yeas—37**

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

**Nays—0****Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 979, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

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. 230****Yeas—37**

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

Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom

Leland  
McManus  
Olshove  
Patterson

Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 981, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

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. 231**

**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  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 982, entitled**

A bill to amend 1966 PA 298, entitled “An act to establish and provide a board of civil service commissioners for sheriffs’ departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

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. 232**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 985, entitled**

A bill to amend 1935 PA 78, entitled “An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

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. 233**

**Yeas—37**

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

Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 987, entitled**

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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. 234**

**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  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 988, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 805a, 806b, and 810 (MCL 339.805a, 339.806b, and 339.810), sections 805a and 810 as amended and section 806b as added by 1995 PA 217, and by adding section 806e.

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. 235****Yeas—35**

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

**Nays—2**

Bernero	Jacobs
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**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 591, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109h.

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. 236****Yeas—22**

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

**Nays—15**

Barcia	Cherry	Leland	Schauer
Basham	Clark-Coleman	Olshove	Scott
Bernero	Clarke	Patterson	Toy
Brater	Emerson	Prusi	

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1076, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 204 (MCL 330.1204), as amended by 1995 PA 290.

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. 237****Yeas—22**

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

**Nays—15**

Barcia	Cherry	Leland	Schauer
Basham	Clark-Coleman	Olshove	Scott

Bernero  
Brater

Clarke  
Emerson

Patterson  
Prusi

Toy

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Brater and Bernero, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1076 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Brater’s statement is as follows:

I just want to acknowledge that there are some very good intentions involved with this legislation. I realize that all of us in this chamber want to make sure that consumers in need of mental health services are receiving them. The question is, is this the right way of making that happen? I have a concern with singling out one county and saying that county must have an authority. I think if this bill was going to solve this problem in evaluating how CMH’s are doing statewide, that would be one thing. But when we closed 15 out of 21 of the mental hospitals in this state over the last 10-15 years, all those people went out into the community, and the dollars that were in treatment for them in the hospitals did not follow them into the community.

Saying that “thou must have an authority” is not going to change the fact that there is not enough money in the system to give people the services they need to make sure they’re on their medication; to make sure they’re getting treatment; make sure they are not ending up on the streets and even in jail. So this is an ongoing crisis; there’s no doubt in my mind. I don’t think you can call the service deliverer a dog, a cat, authority, or anything you want. It’s not going to change the fact that there is not enough money in the system to deliver these services. I think it would be very effective to ask for a statewide audit of how we are doing statewide in delivering mental health services, but I don’t think this bill is going to cure the problem. Therefore, I urge opposition to this bill.

Senator Bernero’s statement is as follows:

While I am tempted to debate the issue of de-institutionalization with the esteemed chair of the Appropriations Committee—and I do know something about it, and I do know something about Oakland County, as my brother has received mental health services in one form or another for most of my adult life from Oakland County—I’m going to try to restrict my remarks to the actual bill that is on the board.

This bill, of course, if you look how consumers are affected, which as the previous speaker said, is the issue, I don’t see how the consumer is going to be helped. The problems at Detroit-Wayne Community Mental Health, as Senator Hansen Clarke mentioned, are deep-rooted and have to do with the bureaucracy and the set up over there, which is a 6-6 split on the board. I don’t see anything in this bill that addresses the real issues at hand. I am not a fan of the authority system in general. I don’t think that there is magic in the authority structure that is going to solve the problems inherent at Detroit-Wayne.

I also believe the other thing that Senator Hansen Clarke said that makes a lot of sense, is that—of course, he usually does when he stands up—the county executive there is working hard. He’s working diligently to fix the problems over there. He should be given that opportunity. They’ve hired Rich Visingardi, who used to be here in Ingham County and was in Oakland County, and I’m sure folks are familiar with Rich. He’s not even been allowed to complete his work. They’re making progress, and as far as the federal government goes, I think the Department of Community Health has looked at that. I don’t think that we’re in jeopardy of losing the federal money. There are not fiscal concerns about the

fiscal management at this time. I don't see what problem—we all know there are problems there. I know the county executive is diligently working to fix those, and I don't see how these bills fix the problem at hand.

In terms of those layers of bureaucracy and the 6-6 split, what you need is effective management. Bob Ficano is trying to apply effective management to the problem. Where these bills come in, I don't understand. I'm from the old school where you just vote "no." If it's not clear that it is an improvement, if you don't see a comparative advantage over the current system, then you just vote "no." In this case, I don't see what problem the bills fix, so I think we should vote "no."

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

The motion prevailed.

Senator Basham's statement is as follows:

I come at this from a little different angle. First of all, I appreciate some of the comments of my colleagues on this side of the aisle and the other side of the aisle. I know we have an issue with mental health care, and certainly Wayne County, the most populous county in the state of Michigan, has unique issues. Certainly, the county exec is trying to deal with those issues, and certainly, there is a stalemate on the board that needs to be addressed. But to form an authority for Wayne County only is not necessarily the way to go. If the authority was for the whole state of Michigan, you might be able to look at it in a different area, but again, here we go picking on Wayne County. I think that Wayne County could get where it needs to get if we would support the county exec and break this 6-6 tie on the mental health board. But also, if you will, remember back when there was legislation dealing with schools about mandated health care. You know, when we start mandating something, we have some certain obligations to fund those mandates. We might wind up, if in fact this authority was to pass, we could wind up not being able to fund those things that we are mandating.

So, certainly, what we need to do, in my opinion—and I'm just one of 38—is give the county exec in Wayne County the tools that he needs to get the job done. Let's break the 6-6 tie on that board. Let's let those locals who know best how to deal with those issues in Wayne County get it done, and let's give them the tools. This bill is not the way to do that, and I would encourage a "no" vote on this bill.

The following bill was read a third time:

**Senate Bill No. 1079, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as amended by 2002 PA 597.

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. 238**

**Yeas—22**

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

**Nays—15**

Barcia	Cherry	Leland	Schauer
Basham	Clark-Coleman	Olshove	Scott
Bernero	Clarke	Patterson	Toy
Brater	Emerson	Prusi	

**Excused—1**

Thomas



**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**

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

The motion prevailed.

Senators Brown, Switalski, Goschka, Garcia, Toy, Hardiman, Allen, McManus, George and Olshove offered the following resolution:

**Senate Resolution No. 241.**

A resolution to memorialize the President and the Congress of the United States to take steps to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

Whereas, For many years, manufacturers in our country and throughout our state have wrestled with fluctuations in the prices of steel. There are many contributing factors, including the notable impact of other nations subsidizing raw steel products and “dumping” them on the American market. The cumulative impact of this instability has been damaging to many key industries; and

Whereas, A very significant and harmful development of late is a steep rise in the cost of scrap steel. In only a few months, major increases in purchases of scrap steel by other countries, especially China and South Korea, have resulted in skyrocketing costs of scrap steel, a key source of materials used by manufacturers of many types of products, especially within the automotive industry; and

Whereas, Dramatically escalating scrap steel costs are a serious threat to numerous auto supply companies throughout Michigan. These companies rely upon the availability of this material at fair prices to fill their contracts with the major automakers. This situation is a major factor threatening Michigan jobs in many communities. The seriousness of this threat to jobs and our nation’s manufacturing capacity requires swift action to bring stability to this market; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to take steps to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices; and be it further

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

Pending the order that, under rule 3.204, the 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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Cropsey and Jelinek were named co-sponsors of the resolution.

Senator Jacobs offered the following resolution:

**Senate Resolution No. 242.**

A resolution recognizing April 25, 2004, as March for Women’s Lives Day and supporting the March for Women’s Lives event, demonstrating support for the protection of the right of women to control their reproductive health, lives, and futures.

Whereas, In 2000, 34 million women were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care; and

Whereas, Nearly half of America's 6.3 million annual pregnancies are unintended; and

Whereas, More than half of all unintended pregnancies end in abortion; and

Whereas, 99 percent of people with employer-based health plans have prescription drug coverage in general, yet only 64 percent have coverage for oral contraceptives; and

Whereas, Approximately 1.5 million women are raped and/or physically assaulted by an intimate partner each year; and

Whereas, Sexual assaults result in 25,000 unintended pregnancies every year in the United States; and

Whereas, Women with unwanted or mistimed pregnancies had four times the odds of experiencing violence by their partners than did women with intended pregnancies; and

Whereas, In 1973, the Roe v. Wade decision, a major victory for women's rights, made obtaining an abortion legal; and

Whereas, Prior to the Roe v. Wade decision, 17 percent of deaths due to pregnancy were a result of illegal abortions; and

Whereas, In the year 2000, only 13 percent of counties nationwide provided abortion services; and

Whereas, Access to safe abortions is under continuous attack at the federal and state level; and

Whereas, Nearly 80,000 women worldwide die each year due to complications related to unsafe abortions; and

Whereas, Reproductive rights are women's rights, are civil rights, are human rights; and

Whereas, On Sunday, April 25, 2004, people from all over the country will march in Washington, D.C., to ensure one of our most prized rights and liberties: the freedom of women to control their reproductive health, lives, and futures; now, therefore, be it

Resolved by the Senate, That we hereby recognize April 25, 2004, as March for Women's Lives Day; and be it further

Resolved, That the Michigan Senate supports the March for Women's Lives, an event to demonstrate support of ensuring the protection of women to control their reproductive health, lives, and futures; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor of the state of Michigan and Planned Parenthood of Michigan in support of their efforts on behalf of all women.

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 Health Policy.

The motion prevailed.

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

**Senate Resolution No. 240**

**Senate Resolution No. 243**

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

**Senate Resolution No. 240.**

A resolution commemorating Saturday, June 5, 2004, as Childhood Cancer Survivors Day in the state of Michigan.

Whereas, Today, over 250,000 Americans are survivors of childhood cancer. Most children survive thanks to advances in early cancer detection, treatment, and research; and

Whereas, Children's Hospital of Michigan, the oldest and largest hospital caring for the children of Michigan, has an active and productive cancer survivor population. This demonstrates that a cancer diagnosis is no longer an automatic death sentence; and

Whereas, In addition to Childhood Cancer Survivors Day, communities all across America will be celebrating life on Sunday, June 6, 2004, as part of the world's largest cancer survivor event, the 17th annual National Cancer Survivors Day; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate Saturday, June 5, 2004, as Childhood Cancer Survivors Day in the state of Michigan. We urge all citizens to join in this joyous celebration of life; and be it further

Resolved, That a copy of this resolution be transmitted to Children's Hospital of Michigan as evidence of our support for their endeavors.

Senators Allen, Basham, Bernero, Birkholz, Brown, Cassis, Cherry, Clark-Coleman, Clarke, Cropsey, Garcia, Goschka, Jacobs, Jelinek, Olshove, Scott, Switalski and Toy were named co-sponsors of the resolution.

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

**Senate Resolution No. 243.**

A resolution to commemorate the week of April 26, 2004, as Construction Week, support the work of Michigan's construction industry, and encourage the community to visit local Joint Apprenticeship Training facilities on April 26, 2004.

Whereas, Michigan's construction industry positively impacts our state's economy and is one of the leading job providers in our state; and

Whereas, Michigan's construction trades persons are some of the best trained construction workers in the country, using a network of apprenticeship training schools throughout the state at no cost to taxpayers; and

Whereas, Michigan's network of apprenticeship training schools are in place to ensure that only the best trained local workers are building local construction projects; and

Whereas, The hardworking men and women of Michigan's signatory construction industry invest millions of dollars in wages, pensions, health care plans, and apprenticeship training in the local communities in which they work; and

Whereas, The men and women of Michigan's signatory construction industry have built a wide range of structures that have stood and will stand the test of time, such as biotechnology laboratories, nuclear particle cyclotrons, world-renowned hospitals and universities, and world-class auto manufacturing plants; and

Whereas, Michigan's signatory construction industry has taken a leadership role in constructing such landmarks as the Mackinac Bridge, GM's world-renowned Lansing Grand River Assembly Plant, and the Michigan Supreme Court Hall of Justice; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the week of April 26, 2004, as Construction Week. We encourage Michigan citizens to visit local Joint Apprenticeship Training facilities on April 26, 2004, to discover the many career opportunities and training options available in Michigan's organized construction industry; and be it further

Resolved, That we honor the positive economic investment made by the hardworking men and women of Michigan's organized construction contractors and workers in wages, pensions, health care plans, and apprenticeship training.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Hammerstrom moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following resolution:

**Senate Resolution No. 241.**

A resolution to memorialize the President and the Congress of the United States to take steps to stabilize the steel market in this country, including such measures as establishing a temporary quota on scrap steel exports in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

Senator Hammerstrom moved that the resolution be referred to the Committee on Commerce and Labor.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

Colleagues, I'm proud this morning to stand and represent my constituents in the 2nd Senate District of Detroit, Hamtramck, Highland Park, Harper Woods, and Grosse Pointe. I'm equally proud to shoulder the burdens of personal and political attacks that will not deter me from my purpose, which is to advocate for their right to life, liberty, and the pursuit of happiness. For 12 days, I have stood here before this body pleading for the chance to begin a bipartisan dialog about the unfair, cost-prohibitive state of auto and homeowners insurance in Michigan, particularly in the cities of Detroit, Highland Park, and other urban areas. Nearly one dozen times my cries fell on deaf ears, but on the eleventh day, the Senator from Rochester Hills heard me. I believe he now understands my pain, my rage, and my frustration with the system that rumbles along while all its wheels squeak and its engine sputter from lack of care. You and I,

Senator, are in the same book. To bring us closer to the middle, I suggest we look at some simple things we can do as legislative leaders to serve the entire state of Michigan.

First, we must take up bills that have been in committee for nearly a year. It's difficult for a Democrat to be heard through a muzzle, but I am confident that your support of a bipartisan approach will unbind us. We can start by looking into the practices of the MCCA. You've promised a hearing on this issue today and for that I thank you, but there are bills in your committee to open the MCCA process to public participation and accountability. I hope your committee will not just talk about this issue, but will do the right thing and pass these bills.

We can then move on to Senate Bill No. 191, which prohibits the use of credit histories in setting insurance rate. Not stopping there, we can move on to my Senate Bill No. 1099 that requires insurance companies to consider an applicant's age, driving record, and frequency when determining rates and not where they live. Going a little further, we can talk about Senate Bill No. 938, which requires insurance companies to give a 60-day written notice of rate increases.

We have several bills that need to be discussed; however, 16 Democrats do not make a majority. The power is in your hands. If you set the date and time, we will be there ready to work together to make Michigan strong.

Senator Bishop's statement is as follows:

I would like to make a brief comment with regards to the comments that were made yesterday regarding the city of Detroit making national news with regard to their steep rates for costs for auto policies in Detroit. I took the time to read that article, and I actually did some research, and as we all know, rates are set on risk. There is a very, very strong correlation between the amount of a policy and the risk associated with it. That's a pretty standard actuarial, scientific standard that's been set for many years in ratemaking. In doing my studies in getting to the bottom of this, I actually took the time to contact the State Police and look at their studies with regard to losses in the city of Detroit. What I did was use losses in Oakland County to compare it with.

Here's an example of what I'm talking about. In the city of Detroit, which has about 900,090 residents, last year there were 23,857 auto thefts that doesn't include vandalizations or accidents. In the entire county of Oakland, which has about 1.2 million people, almost a third as much population, there were 3,243 auto thefts. That means that auto thefts in the city of Detroit alone are almost eight times more likely to happen in the city of Detroit than in the whole county of Oakland. If you are questioning why policies are soaring in Detroit, I think you're pointing the finger in the wrong direction.

By unanimous consent the Senate returned to the order of

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

Senators Allen and Stamas introduced

#### **Senate Bill No. 1159, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 807 (MCL 600.803 and 600.807), section 803 as amended by 2002 PA 715 and section 807 as amended by 2003 PA 40.

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

Senators McManus, Johnson and Stamas introduced

#### **Senate Bill No. 1160, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 82.

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

Senators Thomas and Birkholz introduced

#### **Senate Bill No. 1161, entitled**

A bill to establish the prostate cancer research fund in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

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

Senators Thomas and Birkholz introduced

#### **Senate Bill No. 1162, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

Senator Johnson introduced

**Senate Bill No. 1163, 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 section 10 (MCL 247.660), as amended by 2003 PA 151.

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

Senator Emerson introduced

**Senate Bill No. 1164, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21777 (MCL 333.21777).

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

Senators Cherry, Schauer, Brater, Leland, Olshove and Hardiman introduced

**Senate Bill No. 1165, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 761 (MCL 168.761), as amended by 1996 PA 207.

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

Senators Cherry, Schauer, Brater, Leland and Olshove introduced

**Senate Bill No. 1166, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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

**House Bill No. 4468, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 1999 PA 273.

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. 4584, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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. 5006, entitled**

A bill to provide standards for personnel policies to protect the right of conscience of health care providers who conscientiously object to providing or participating in certain health care services under certain circumstances; to provide for protection from certain liability; and to provide for penalties and remedies.

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. 5276, entitled**

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; and to provide for protection from certain liability.

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. 5277, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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. 5278, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406r.

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.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 1009, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 1998 PA 312.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 5, following line 10, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 2004."

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5026, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2002 PA 672.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 3, line 1, after "teams" by inserting a comma and "**pursuant to section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section**".

2. Amend page 4, line 12, after "includes" by inserting a comma and "**but is not limited to,**".

3. Amend page 4, following line 13, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2004."

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5182, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5714, 5735, and 5744 (MCL 600.5714, 600.5735, and 600.5744), section 5714 as amended by 1990 PA 310 and section 5735 as amended by 2001 PA 162.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 8, following line 8, by inserting:

"Enacting section 2. This act takes effect on September 1, 2004."

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5197, entitled**

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 1990 PA 311.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, following line 2, by inserting:

"Enacting section 2. This amendatory act takes effect on September 1, 2004."

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5427, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12 (MCL 28.432), as amended by 2000 PA 381.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

## To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported  
**House Bill No. 5428, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 9 (MCL 28.429), as amended by 1996 PA 169.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported  
**House Bill No. 5429, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported  
**House Bill No. 5648, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIIA (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 20, 2004, at 1:00 p.m., Room 210, Farnum Building

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



The Committee on Health Policy reported

**House Bill No. 4062, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799a (MCL 333.21799a).  
With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 4172, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 1995 PA 253.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, April 21, 2004, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Bernero

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, April 21, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Thursday, April 22, 2004, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

#### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

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

**Commerce, Labor and Economic Development** - Wednesdays, April 28, May 5, May 12 and May 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**General Government** - Tuesdays, April 27, May 4, May 11 and May 18, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**Higher Education** - Wednesday, April 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**History, Arts, and Libraries** - Thursdays, April 29, May 6 and May 13, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-0793)

**Judiciary and Corrections** - Tuesday, April 27, 1:30 p.m., Room 210, Farnum Building (373-3760)

**State Police and Military Affairs** - Tuesdays, April 27, May 4 and May 11, 3:00 p.m., Room 405, Capitol Building (373-5932)

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

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

**Commerce and Labor** - Tuesday, April 27, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, April 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Natural Resources and Environmental Affairs** - Tuesday, April 27, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesdays, April 27 and May 11, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 12:02 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 27, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate