

**No. 90**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Tuesday, September 21, 2004.

10:00 a.m.

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

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

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

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

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

Senator Tony Stamas of the 36th District offered the following invocation:

Dear Heavenly Father, we want to thank You for this day, for this country in which we live, and for the opportunity to serve our fellow citizens. Our time is limited both serving in this body and in life. It is our desire that You bless our work in all that we do.

We pray this in Your name. Amen.

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

### Recess

Senator Schauer moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:03 a.m.

10:22 a.m.

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

During the recess, Senators Emerson, Gilbert, Thomas, Bernero, McManus, Brown, Johnson, Hammerstrom, Jelinek, Sikkema, Kuipers, Van Woerkom, Garcia, Toy, Cassis, Hardiman, Cropsey, Allen, George, Birkholz and Bishop entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

The following communication was received and read:  
Department of State

#### Administrative Rules Notice of Filing

September 7, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:00 p.m. this date, administrative rule (04-09-01) for the Department of Education, State Board of Education entitled "*Special Education Programs and Services*," effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 15:

**House Bill Nos. 5340 5771 5772 6046 6165 6208**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, September 15, for her approval the following bills:

**Enrolled Senate Bill No. 722 at 2:18 p.m.**  
**Enrolled Senate Bill No. 723 at 2:20 p.m.**  
**Enrolled Senate Bill No. 885 at 2:22 p.m.**  
**Enrolled Senate Bill No. 1328 at 2:24 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, September 17, for her approval the following bills:

**Enrolled Senate Bill No. 1065 at 2:15 p.m.**  
**Enrolled Senate Bill No. 1244 at 2:17 p.m.**  
**Enrolled Senate Bill No. 1252 at 2:19 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, September 20, for her approval the following bills:

**Enrolled Senate Bill No. 1063 at 10:26 a.m.**  
**Enrolled Senate Bill No. 1064 at 10:28 a.m.**  
**Enrolled Senate Bill No. 1067 at 10:30 a.m.**  
**Enrolled Senate Bill No. 1062 at 10:32 a.m.**

The Secretary announced that the following official bills were printed on Wednesday, September 15, and are available at the legislative Web site:

**Senate Bill Nos. 1383 1384 1385 1386 1387 1388 1389 1390 1392**

The Secretary announced that the following official bills were printed on Thursday, September 16, and are available at the legislative Web site:

**Senate Bill Nos. 1393 1394 1395 1396**  
**House Bill Nos. 6209 6210 6211 6212**

The following communication was received and read:  
Office of the Senate Majority Leader

September 16, 2004

Pursuant to Senate Rule 3.203c, I am hereby re-referring Senate Bill 1396, from the Senate Economic Development, Small Business & Regulatory Reform Committee to the Senate Commerce & Labor Committee.

Respectfully yours,  
Ken Sikkema  
Senate Majority Leader

The communication was referred to the Secretary for record.

### **Messages from the Governor**

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

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

The motion prevailed.

The following message from the Governor was received and read:

September 17, 2004

Pursuant to Section 29 of Article 5 of the Michigan Constitution of 1963, please be advised of the following appointments and reappointment to office:

**Civil Rights Commission**

Mr. Kelvin W. Scott, a Democrat, of 1000 Kensington Avenue, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding Melvin Hollowell, who has resigned, appointed for a term commencing September 17, 2004 and expiring December 31, 2007.

Mr. Matthew J. Wesaw, an Independent, of 3939 Mayapple Lane, Lansing, Michigan 48911, county of Ingham, succeeding Gary Torgow, who has resigned, appointed for a term commencing September 17, 2004 and expiring December 31, 2004, and reappointed to a term expiring December 31, 2008.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 757**

**Senate Bill No. 822**

The motion prevailed.

**Senate Bill No. 774, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

Substitute (H-1).

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

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

**Roll Call No. 649**

**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**

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

**House Bill No. 5313, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356, and by adding section 2150a.

The House of Representatives has nonconcurred in the Senate substitute (S-2) and appointed Reps. Pumford, Caswell and Gillard as conferees.

The message was referred to the Secretary for record.

**Senate Bill No. 1269, entitled**

A bill to establish the military family relief fund in the department of military and veterans affairs to provide assistance to families of certain members of the reserve components of the United States armed forces on active duty; 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 House of Representatives has amended the bill as follows:

1. Amend page 4, line 18, after "30" by striking out "business".

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

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

**Senate Bill No. 1323, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 18 (MCL 432.11 and 432.18), section 11 as amended by 2004 PA 272.

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

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

### Conference Reports

**House Bill No. 5509, entitled**

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

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

#### FIRST CONFERENCE REPORT

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

**House Bill No. 5509, entitled**

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

Recommends:

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

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**  
PART 1  
LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF AGRICULTURE**

## APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	743.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 126,131,300</b>
Interdepartmental grant revenues:		
IDG from MDCH, local public health operations.....		8,878,700
IDG from MDEQ, biosolids.....		86,100
IDG from MDEQ, right to farm.....		113,000
IDG from MDEQ, type II well survey .....		16,100
IDG from MDLEG (LCC), liquor quality testing fees .....		177,300
IDG from MDLEG (LCC), nonretail liquor license fees .....		560,500
IDG from MDNR, district forestry and wildlife program.....		1,000,000
Total interdepartmental grants and intradepartmental transfers .....		10,831,700
<b>ADJUSTED GROSS APPROPRIATION.....</b>		<b>\$ 115,299,600</b>
Federal revenues:		
DAG, multiple grants .....		30,758,100
EPA, multiple grants .....		2,368,500
HHS-FDA .....		349,600
Total federal revenues .....		33,476,200
Special revenue funds:		
Total local revenues .....		0
Private - slow-the-spread foundation.....		138,700
Total private revenues .....		138,700
Agricultural preservation fund .....		900,000
Agriculture equine industry development fund.....		17,302,200
Agriculture pollution prevention fund.....		100
Civil penalties.....		43,900
Commodity inspection fees.....		709,400
Gasoline inspection and testing fund .....		2,035,800
Groundwater and freshwater protection fund .....		4,812,300
Horticulture fund .....		74,700
Industry support funds .....		612,100
Licensing and inspection fees .....		6,139,100
Michigan state fair revenue.....		5,486,100
Pseudorabies and swine brucellosis fund .....		21,200
Refined petroleum fund .....		3,000,000
State services fee fund .....		8,218,700
Testing fees.....		386,100
Upper Peninsula state fair revenue.....		1,291,500
Weights and measures regulation fees.....		560,100
Total other state restricted revenues .....		51,593,300
State general fund/general purpose .....		<b>\$ 30,091,400</b>
<b>Sec. 102. EXECUTIVE</b>		
Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	52.0	
Commission and boards .....		<b>\$ 53,300</b>
Unclassified positions—6.0 FTE positions.....		428,500
Executive direction—10.0 FTE positions.....		1,131,600
Management services—35.5 FTE positions.....		2,808,000
Statistical reporting service—4.0 FTE positions .....		339,300
Emergency management—2.5 FTE positions .....		220,100

	For Fiscal Year Ending Sept. 30, 2005
Human resource optimization user charges .....	\$ 29,500
<b>GROSS APPROPRIATION</b> .....	<b>\$ 5,010,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDLEG (LCC), nonretail liquor license fees .....	8,800
Special revenue funds:	
Gasoline inspection and testing fund .....	52,500
Industry support funds .....	30,000
Michigan state fair revenue .....	80,500
State services fee fund .....	352,000
Upper Peninsula state fair revenue .....	9,000
State general fund/general purpose .....	\$ 4,477,500
<b>Sec. 103. DEPARTMENTWIDE</b>	
Rent and building occupancy charges .....	\$ 1,486,400
Employee turnover savings .....	(100,000)
Agriculture equine industry development fund reimbursement .....	0
<b>GROSS APPROPRIATION</b> .....	<b>\$ 1,386,400</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDLEG (LCC), nonretail liquor license fees .....	5,800
Federal revenues:	
DAG, multiple grants .....	100,500
EPA, multiple grants .....	61,200
HHS-FDA .....	13,100
Special revenue funds:	
Agricultural preservation fund .....	23,900
Agriculture equine industry development fund .....	2,025,000
Groundwater and freshwater protection fund .....	9,500
Licensing and inspection fees .....	48,200
State services fee fund .....	304,600
State general fund/general purpose .....	\$ (1,205,400)
<b>Sec. 104. FOOD AND DAIRY</b>	
Full-time equated classified positions .....	107.0
Food safety and quality assurance—107.0 FTE positions .....	\$ 10,265,400
Local public health operations .....	8,878,700
<b>GROSS APPROPRIATION</b> .....	<b>\$ 19,144,100</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCH, local public health operations .....	8,878,700
Federal revenues:	
DAG, multiple grants .....	24,800
HHS-FDA .....	203,700
Special revenue funds:	
Civil penalties .....	43,900
Licensing and inspection fees .....	3,030,400
State general fund/general purpose .....	\$ 6,962,600
<b>Sec. 105. ANIMAL INDUSTRY</b>	
Full-time equated classified positions .....	49.0
Animal health and welfare—22.5 FTE positions .....	\$ 2,299,500
Bovine tuberculosis program—26.5 FTE positions .....	5,488,800
<b>GROSS APPROPRIATION</b> .....	<b>\$ 7,788,300</b>
Appropriated from:	
Federal revenues:	
DAG, multiple grants .....	1,251,000
HHS-FDA .....	68,800
Special revenue funds:	
Agriculture equine industry development fund .....	302,800
Licensing and inspection fees .....	87,300

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Pseudorabies and swine brucellosis fund .....	\$	21,200
State general fund/general purpose .....	\$	6,057,200
<b>Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT</b>		
Full-time equated classified positions .....		274.8
Pesticide and plant pest management—119.8 FTE positions.....	\$	12,184,900
Emerald ash borer control program—155.0 FTE positions .....		25,197,300
Michigan State University.....		210,000
GROSS APPROPRIATION .....	\$	<u>37,592,200</u>
Appropriated from:		
Federal revenues:		
DAG, multiple grants .....		27,272,500
EPA, multiple grants .....		1,563,500
HHS-FDA .....		64,000
Special revenue funds:		
Private - slow-the-spread foundation.....		138,700
Commodity inspection fees.....		709,400
Horticulture fund .....		74,700
Industry support funds .....		319,900
Licensing and inspection fees .....		2,860,700
State general fund/general purpose .....	\$	4,588,800
<b>Sec. 107. ENVIRONMENTAL STEWARDSHIP</b>		
Full-time equated classified positions .....		47.0
Environmental stewardship—32.7 FTE positions .....	\$	2,547,700
Groundwater and freshwater protection program—8.3 FTE positions.....		4,931,700
Farmland and open space preservation—6.0 FTE positions .....		875,900
Cooperative resources management initiative program.....		1,000,000
Agriculture pollution prevention program .....		100
Local conservation districts .....		1,580,000
Migrant labor housing.....		255,000
GROSS APPROPRIATION .....	\$	<u>11,190,400</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDEQ, biosolids.....		86,100
IDG from MDEQ, right to farm .....		113,000
IDG from MDEQ, type II well survey .....		16,100
IDG from MDNR, district forestry and wildlife program.....		1,000,000
Federal revenues:		
EPA, multiple grants .....		419,700
Special revenue funds:		
Agricultural preservation fund .....		875,900
Agriculture pollution prevention fund.....		100
Groundwater and freshwater protection fund .....		4,802,700
State general fund/general purpose .....	\$	3,876,800
<b>Sec. 108. LABORATORY PROGRAM</b>		
Full-time equated classified positions .....		148.0
Laboratory services—60.5 FTE positions .....	\$	5,038,600
USDA monitoring—18.0 FTE positions.....		1,906,500
Consumer protection program—69.5 FTE positions .....		4,709,100
GROSS APPROPRIATION .....	\$	<u>11,654,200</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDLEG (LCC), liquor quality testing fees .....		174,500
Federal revenues:		
DAG, multiple grants .....		1,926,900
EPA, multiple grants .....		324,100
Special revenue funds:		
Gasoline inspection and testing fund .....		1,957,100



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Refined petroleum fund .....	\$ 3,000,000
State services fee fund .....	479,600
Testing fees.....	386,100
Weights and measures regulation fees.....	560,100
State general fund/general purpose .....	\$ 2,845,800
<b>Sec. 109. AGRICULTURE DEVELOPMENT</b>	
Full-time equated classified positions .....	8.0
Agriculture development—5.0 FTE positions .....	\$ 750,000
Grape and wine program—3.0 FTE positions .....	677,600
Export market development program .....	50,000
Food bank .....	630,500
Future farmers of America .....	60,000
GROSS APPROPRIATION .....	\$ 2,168,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDLEG (LCC), nonretail liquor license fees .....	545,400
Federal revenues:	
DAG, multiple grants .....	182,400
Special revenue funds:	
Industry support funds .....	232,200
State services fee fund .....	293,700
State general fund/general purpose .....	\$ 914,400
<b>Sec. 110. FAIRS AND EXPOSITIONS</b>	
Full-time equated classified positions .....	25.5
Michigan state fair operations—9.0 FTE positions .....	\$ 5,153,800
Upper Peninsula state fair—7.0 FTE positions.....	1,281,600
Fairs, racing and producer security—9.5 FTE positions.....	1,174,300
Building and track improvement - county and state fairs .....	963,200
Building and track improvement - licensed tracks .....	2,980,000
Premiums - county and state fairs .....	1,614,000
Purses and supplements - fairs/licensed tracks .....	2,579,700
Standardbred Fedele Fauri futurity.....	85,400
Standardbred Michigan futurity .....	85,400
Quarterhorse programs.....	38,500
Licensed tracks - light horse racing .....	115,800
Standardbred breeders' awards .....	1,358,900
Standardbred purses and supplements - licensed tracks .....	1,720,900
Standardbred sire stakes.....	1,075,900
Thoroughbred sire stakes .....	1,002,900
Standardbred training and stabling.....	42,400
Thoroughbred program .....	2,754,900
Thoroughbred owners' awards.....	150,900
Distribution of outstanding winning tickets .....	700,000
Future farmers of America foundation .....	20,000
Michigan 4-H foundation.....	20,000
Michigan State University, college of agriculture and natural resources .....	80,000
GROSS APPROPRIATION .....	\$ 24,998,500
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund.....	14,831,600
Industry support funds .....	30,000
Licensing and inspection fees .....	112,500
Michigan state fair revenue.....	5,316,800
State services fee fund .....	3,177,500
Upper Peninsula state fair revenue.....	1,281,600
State general fund/general purpose .....	\$ 248,500

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**Sec. 111. OFFICE OF RACING COMMISSIONER**

Full-time equated classified positions .....	31.7	
Office of racing commissioner—31.7 FTE positions.....		\$ 3,609,200
<b>GROSS APPROPRIATION</b> .....		\$ 3,609,200

Appropriated from:

Special revenue funds:

State services fee fund .....		3,609,200
State general fund/general purpose .....	\$	0

**Sec. 112. INFORMATION TECHNOLOGY**

Information technology services and projects .....		\$ 1,589,600
<b>GROSS APPROPRIATION</b> .....		\$ 1,589,600

Appropriated from:

Interdepartmental grant revenues:

IDG from MDLEG (LCC), liquor quality testing fees .....		2,800
IDG from MDLEG (LCC), nonretail liquor license fees .....		500

Special revenue funds:

Agricultural preservation fund .....		200
Agriculture equine industry development fund.....		142,800
Gasoline inspection and testing fund .....		26,200
Groundwater and freshwater protection fund .....		100
Michigan state fair revenue.....		88,800
State services fee fund .....		2,100
Upper Peninsula state fair revenue.....		900
State general fund/general purpose .....	\$	1,325,200

**PART 2**

**PROVISIONS CONCERNING APPROPRIATIONS**

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2004-2005 is \$81,684,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is \$3,380,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

**DEPARTMENT OF AGRICULTURE**

Groundwater and freshwater protection program .....	\$	1,800,000
Local conservation districts .....		1,580,000
<b>TOTAL</b> .....	\$	3,380,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "Department" means the department of agriculture.
- (c) "Director" means the director of the department.
- (d) "EPA" means the United States environmental protection agency.
- (e) "FTE" means full-time equated.
- (f) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCH" means the Michigan department of community health.
- (i) "MDLEG (LCC)" means the Michigan department of labor and economic growth - liquor control commission.
- (j) "MDEQ" means the Michigan department of environmental quality.
- (k) "MDNR" means the Michigan department of natural resources.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The hiring freeze described in subsection (1) does not apply to any classified state civil service position that meets any of the following criteria:

- (a) Filling the vacant position will directly prevent the loss of federal funding.

(b) The vacant position deals directly with the direct provision of public safety services including prison officers, law enforcement officers, and child services enforcement workers.

(c) The vacant position provides direct health care services including physicians, nurses, and other direct health care providers.

(3) The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of new state classified civil service employees hired during the previous quarter and the reasons to justify the hiring.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This shall include transmission of reports via electronic mail to the recipients identified for each reporting requirement and shall include placement of reports on an Internet or Intranet site.

Sec. 209. (1) Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

(2) In addition to the requirements in subsection (1), the purchase of goods or services, or both, if competitively priced and of comparable quality shall be Michigan goods or services, or both, if available. The department shall also encourage the use of Michigan produced agricultural products by all state agencies and departments if competitively priced and of comparable quality and if available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. (1) The unexpended and unobligated balance of any state restricted fund or account remaining at the end of the fiscal year shall revert back to the state restricted fund or account from which appropriated and be available for appropriation for the next fiscal year. Appropriations that revert to a state restricted fund or account pursuant to this section shall not revert to the general fund of this state.

(2) A state restricted revenue fund or account that receives revenues in excess of expenditures made from that state restricted revenue fund or account shall not have the excess revenue revert to the general fund of this state.

Sec. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.745, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2005. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the house and senate appropriations subcommittees on agriculture and to the senate and house fiscal agencies and the state budget director.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock killed by a wolf or coyote, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the house and senate appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 216. The unexpended and unencumbered balance of revenue deposited pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320, for the fiscal year ending September 30, 2005, shall be appropriated to the Michigan agriculture equine industry development fund for distribution as set forth in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 219. The department of information technology shall annually publish a schedule of rates, user fees, and charges or assessments for standard services and information system support requirements to be made to departments for technology related services and projects. This schedule, as well as copies of related interagency agreements, shall be provided to the state budget office and the house and senate committees on appropriations before October 15, 2004. The department of agriculture shall not process any payments or fund transfers to the department of information technology until 30 days after the 2004-2005 fiscal year schedule of rates, user fees, and assessments is provided to the legislature, pursuant to this section.

Sec. 220. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 222. The negative appropriation for employee turnover savings in part 1 shall be satisfied by employee cost savings realized from the natural delay associated with position posting, recruitment, and hiring of employees to fill approved vacancies for existing positions within the department. Appropriation authorization adjustments required to implement the negative appropriation shall be made after the approval of transfers by the legislature under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

#### **EXECUTIVE**

Sec. 301. Per diem rates for commodity committees established in the agriculture commodities marketing act, 1965 PA 232, MCL 290.651 to 290.674, 1970 PA 29, MCL 290.421 to 290.430, 1965 PA 114, MCL 290.551 to 290.568, and the beef industry commission act, 1972 PA 291, MCL 287.601 to 287.610, will be set based upon levels established in section 301 of 2002 PA 516.

Sec. 302. (1) The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

(a) Management services publications.

(b) Management services audit and licensing functions.

(c) Pesticide and plant pest management propagation and certification of virus free foundation stock.

(d) Pesticide and plant pest management bean inspection and grading services.

(e) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.

(f) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.

(g) Laboratory support analysis of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.

(h) Laboratory support test samples for other agencies and organizations.

(i) Fruit and vegetable inspection at shipping and termination points and processing plants.

(2) The department shall notify the senate and house of representatives appropriations subcommittees on agriculture and the senate and house fiscal agencies 60 days prior to the effective date of any proposed changes to the fees authorized under this section.

(3) Annually, before February 1, the department shall provide a report to the senate and house of representatives appropriations subcommittees on agriculture and the senate and house fiscal agencies detailing all the fees charged by the department under the authorization provided in this section, including, but not limited to, rates, number of individuals paying each fee, and the revenue generated by each fee in the previous fiscal year.

Sec. 303. Of the funds appropriated in part 1 for statistical reporting service, \$90,000.00 shall be used for surveys including, but not limited to, fruit, vegetables, and nursery stock including Christmas trees and ornamental plants. The director may include other agricultural surveys such as turfgrass in the 3- to 5-year rotation. The survey shall include information such as existing plantings/acreage, new plantings/acreage, production, and number of growers.

#### **FOOD AND DAIRY**

Sec. 401. (1) The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements. On or before April 1, 2005, the department shall report to the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director on local health department conformance with minimum program requirements.

(2) If a local unit of government incurs additional costs resulting from its efforts to control a significant food-borne outbreak, the director shall seek additional resources to reimburse the local unit of government for these additional costs. The director shall involve the local health officer of the jurisdiction affected in all aspects of the control of any food-borne outbreak.

Sec. 402. Not later than April 1, 2005, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 2003-2004 fiscal year.

Sec. 403. The department, in conjunction with the department of community health, shall assure that a process is in place that requires a local unit of government to obtain prior approval from the department before any reallocation or redistribution of program funds appropriated in section 104.

#### **ANIMAL INDUSTRY**

Sec. 450. From the funds appropriated in section 105 for the bovine tuberculosis program, the department shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department goals and are jointly agreed to by the department and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

Sec. 451. From the funds appropriated in section 105 for bovine tuberculosis, the department shall pay for all whole herd testing costs and individual animal testing costs in the modified accredited zone to achieve and maintain split-state status requirements. These costs include producer assistance, indemnity, and compensation for injury causing death or downer to animals.

Sec. 452. In the event of a significant animal or plant health outbreak, the director shall seek additional state and federal resources to cover the additional costs associated with addressing the outbreak.

#### **PESTICIDE AND PLANT PEST MANAGEMENT**

Sec. 501. Of the funds appropriated in section 106 to the pesticide and plant pest management division, up to \$100,000.00 may be made available to the Michigan cooperative extension service to train applicators. Reimbursement shall be based on actual expenditures and revenue availability.

#### **ENVIRONMENTAL STEWARDSHIP**

Sec. 602. The department shall expend the amount appropriated for migrant labor housing grants for construction of new migrant labor housing. Project grants shall not exceed \$5,000.00 per unit. An applicant is not eligible for more than a \$20,000.00 grant in any fiscal year.

Sec. 603. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 604. The appropriation in section 107 for local conservation districts shall be allocated in the following manner:

(a) Of the total appropriation, each local conservation district meeting the minimum grant requirements shall receive a grant of \$20,000.00 to support basic operations, unless the district resides in a county consisting of multiple districts, in which case a \$20,000.00 grant shall be divided equally among the districts in that county. The amount of money allocated under this subdivision shall not be used by local conservation districts to replace any money received from local sources.

(b) Any amount remaining from the appropriation after distributions under subdivision (a) shall be allocated for local conservation district training.

#### **AGRICULTURE DEVELOPMENT**

Sec. 701. Within the appropriations in part 1 for agriculture development, \$677,600.00 is for the grape and wine industry council, from which the department may provide grants for the purposes as described in section 303 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1303.

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 704. Indirect costs may not be charged against the future farmers of America grant in section 109 by any administering agency.

Sec. 705. The appropriation in section 109 for the export market development program shall be used to coordinate state participation in the federal market access program and to leverage federal funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. From the appropriation in part 1 for agriculture development, \$30,000.00 shall be provided to the northwest Michigan horticultural research station.

#### **FAIRS AND EXPOSITIONS**

Sec. 801. The department shall submit a report each month to the state budget director, the senate and house appropriations subcommittees on agriculture, and the senate and house fiscal agencies that states the simulcasting revenues generated in the preceding month by each licensed track and the amount received from license fees.

Sec. 802. (1) The appropriation in section 110 for standardbred purses and supplements - licensed tracks is intended to provide state purse supplements for 4 races at state licensed pari-mutuel horse racing tracks. The purse supplements are to be used for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

(2) The appropriation in section 110 for licensed tracks - light horse racing shall be allocated as follows:

Arabian and Appaloosa horse racing.....	\$	19,200
Quarter horse racing .....		57,200

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$30,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, awards shall be distributed pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 805. The department shall notify the senate and house appropriations subcommittees and the fiscal agencies of any planned reductions in appropriations, allocations, or expenditures from the agriculture equine industry development fund no less than 10 days before such reductions are implemented.

Sec. 806. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 807. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 808. Of the amount appropriated in section 110 for premiums - county and state fairs, \$11,400.00 shall be expended as a grant for the Michigan horse show association - fall youth show.

Sec. 809. From the appropriations for premiums - county and state fairs in section 110, \$120,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or expositions to promote youth involvement and adult exhibitions in the animal agriculture industry. Appropriate exhibition classes for youth shall be developed that encourage a production exhibit for which premium awards may be paid. The age for youth exhibitors shall be determined by the standards of the association requesting the grant or, if standards do not exist, the age for youth exhibitors shall be ages 9 through 21. Implementation of the latest technologies into the evaluation of the animals shall be encouraged in the production exhibit. Adult exhibitions should focus on the performance or end product, or both, with the appropriate technologies used to enhance placings and the awarding of premiums.

Sec. 811. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the Michigan agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252. The department shall provide notice to the house and senate appropriations subcommittees on agriculture at least 10 days before the funds are expended. This notice shall include the amount that each program receives from the outstanding winning ticket revenue deposited in the Michigan agriculture equine industry development fund.

Sec. 813. (1) On or before March 29, 2005, the department, together with the senate and house fiscal agencies and the department of management and budget, shall estimate the unreserved and unencumbered closing balance of the Michigan agriculture equine industry development fund for the fiscal year ending September 30, 2004. The estimate shall consider lapsed appropriations from the fund and any carryforward amounts designated for appropriation in the fiscal year ending September 30, 2004.

(2) On or before April 5, 2005, the department shall request a legislative transfer in accordance with section 393 of the management and budget act, 1984 PA 431, MCL 18.1393, to appropriate any estimated unreserved and unencumbered Michigan agriculture equine industry development fund balance in excess of \$250,000.00. The appropriations included

in the transfer request shall be in accordance with the requirements of section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320. At the same time the department forwards its transfer request to the department of management and budget, the department shall submit copies of the transfer request to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies.

Sec. 815. From the funds appropriated in section 110, \$2,980,000.00 shall be allocated to race meeting licensees under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336, for capital improvement at horse racing tracks in Michigan. Each licensee shall receive, from the funds made available under this section, an amount equal to its proportion of the total amount of money wagered, live and simulcast, in this state on horse racing that is conducted in this state during the 2004 calendar year. The department shall distribute each race meeting licensee's allocation provided under this section in 4 equal amounts throughout the year. The funding shall only be made available to a race meeting licensee if matched, dollar for dollar, with funds provided by the licensee. It is the intent of the legislature that these funds shall be made available in the fiscal year ending September 30, 2005.

Sec. 816. From the appropriation in section 110 for fairs, racing and producer security, \$20,000.00 shall be granted to the communications alliance to network thoroughbred ex-racehorses (CANTER) to support racehorse rehabilitation programs.

**OFFICE OF RACING COMMISSIONER**

Sec. 901. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

Second: That the House and Senate agree to the title of the bill to read as follows:

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

Mike Pumford  
Bruce Caswell  
Clarence Phillips  
Conferees for the House

Cameron Brown  
Jim Barcia  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,  
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 conference report,

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

**Roll Call No. 650**

**Yeas—32**

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

**Nays—6**

Clark-Coleman	Hardiman	Scott	Thomas
Clarke	Leland		

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

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

**House Bill No. 5534, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

**House Bill No. 5782, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 7, 8, and 9 (MCL 390.1472, 390.1477, 390.1478, and 390.1479), as amended by 2001 PA 215.

**House Bill No. 5809, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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:

**House Bill No. 5527, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 6, following line 7, by inserting:

"Sec. 206. (1) If a community mental health services program, currently established as a community mental health agency under MCL 330.1204, is required by statute to become a community mental health authority by a specified date in order to be eligible to continue to contract with the department of community health as a specialty prepaid health plan, or to continue to receive state financial support as a community mental health services program, the department of community health shall monitor the progress of the community mental health services program to ensure that it is able to properly operate as a community mental health authority by the required specified date. In carrying out its monitoring activities, the department of community health may require such plans, reports, and other evidence from the community mental health services program that it deems necessary to properly monitor and evaluate the progress of the community mental health services program toward the establishment and operation of a community mental health authority. Such plans, reports, and evidence shall include, at the minimum, the following:

(a) A copy of the enabling resolution adopted by the board of commissioners creating the authority, addressing the required provisions set forth in MCL 330.1205, and duly filed with the secretary of state and the county clerk of the county establishing the authority.

(b) A detailed transition plan, describing how the community mental health services program proposes to carry out administrative, personnel, finance, accounting, management information, data reporting, regulatory compliance, quality assurance, recipient rights, clinical services, and any other managerial tasks or activities necessary for the successful operation of a community mental health authority.



(2) If the department of community health determines that, in its judgment, the community mental health services program is not making sufficient progress to ensure a functioning community mental health authority by the date specified in statute, the department of community health may withhold such current year appropriated funds as it deems appropriate from the community mental health services program to assure that the department of community health has sufficient capacity to directly operate necessary programs and services within the county should the community mental health authority fail to become fully operational on the required specified date.”.

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 amendments, the following bill:

**House Bill No. 5783, entitled**

A bill to amend 1986 PA 316, entitled “Michigan education trust act,” by amending sections 6, 7, and 8 (MCL 390.1426, 390.1427, and 390.1428); and to repeal acts and parts of acts.

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

1. Amend page 9, line 7, after “(3)(b)” by inserting “**and subsection (5)**”.
2. Amend page 11, following line 21, by inserting:

“(5) **The trust may offer an advance tuition payment contract that does not provide for a refund under subsection (2) to a purchaser who is an individual, state or local government agency or instrumentality, or a person exempt from taxation as an organization described in section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, and who is purchasing the contract as part of a scholarship program. The price of a contract offered pursuant to this subsection shall be established to reflect that the terms of the contract do not provide for a refund.**”.

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

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

Senator Hammerstrom moved that Senator Garcia be excused from the balance of today’s session.  
The motion prevailed.

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:

**House Bill No. 5534**

**House Bill No. 5782**

**House Bill No. 5783**

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

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

**Senate Bill No. 1130**

**House Bill No. 5534**

**House Bill No. 5782**

**House Bill No. 5783**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1130, entitled**

A bill to amend 1978 PA 361, entitled “Michigan exposition and fairgrounds act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding section 15b.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5534, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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. 651**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

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

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5782, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 7, 8, and 9 (MCL 390.1472, 390.1477, 390.1478, and 390.1479), as amended by 2001 PA 215.

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. 652**

**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

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

“An act to create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5783, entitled**

A bill to amend 1986 PA 316, entitled “Michigan education trust act,” by amending sections 6, 7, and 8 (MCL 390.1426, 390.1427, and 390.1428); and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 653**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Garcia

**Not Voting—0**

In The Chair: President

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

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

“An act to create the Michigan education trust; to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to repeal certain acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

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

**Senate Bill No. 1130, entitled**

A bill to amend 1978 PA 361, entitled “Michigan exposition and fairgrounds act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding section 15b.

(This bill was read a third time earlier today and consideration postponed. See p. 1919.)

The question being on the passage of the bill,

Senator Thomas offered the following amendment:

1. Amend page 10, line 2, after “(a)” by inserting “**Three from**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 654****Yeas—30**

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

**Nays—7**

Brater	Clarke	Leland	Thomas
Clark-Coleman	Emerson	Scott	

**Excused—1**

Garcia

**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**

**Senate Resolution No. 241**

**Senate Concurrent Resolution No. 40**

The motion prevailed.

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

**Senate Resolution No. 298**

**Senate Resolution No. 299**

The resolution consent calendar was adopted.

Senator Bernero offered the following resolution:

**Senate Resolution No. 298.**

A resolution honoring the Michigan Humanities Council on its 30th Anniversary.

Whereas, It is a privilege to acknowledge and celebrate this year as the 30th Anniversary of the Michigan Humanities Council, an independent, nonprofit organization dedicated to fostering intellectual and cultural life in Michigan communities which encourages the exploration and conservation of cultural traditions; and

Whereas, The Michigan Humanities Council has provided services and programs statewide to expand ways of thinking about the diverse culture that makes Michigan what it is today; and

Whereas, Founded in 1974, the Michigan Humanities Council is the state's affiliate of the National Endowment for the Humanities. Since its inception, the council has awarded more than 1,500 grants to organizations such as local libraries, schools, and universities, as well as many other nonprofit organizations. These grants help make it possible for citizens to develop a better understanding of their history and culture while bringing the community together; and

Whereas, The council has collaborated with other organizations such as the Michigan Council of Arts & Cultural Affairs to maintain cultural awareness in Michigan. Since 1998, it has combined forces with the Great Outdoors Culture Tour every year to bring cultural programs into northern Michigan communities for summertime programs involving the Great Lakes. They have helped make it possible for other nonprofit associations to bring artists and humanities scholars into local communities; and

Whereas, The council plans to march forward into the next 30 years with the same determination as it has in the past. They look to maintain relations with other nonprofit alliances to promote cultural awareness in Michigan; and

Whereas, The Michigan Humanities Council will provide new grants through its "We The People" grant program to fund the development of public programs focused on American and Michigan history; and

Whereas, The Michigan Humanities Council takes great pride in celebrating this milestone. The members and administration can reflect on the past three decades of devoted involvement to the cultural diversity of our great state of Michigan. From Iron Mountain to the Detroit River, this organization has provided a special gift to the community; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 30th Anniversary of the Michigan Humanities Council and commend the members and administration for their countless contributions, determination, and commitment to the community and to the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the members and administration of the Michigan Humanities Council.

Senators Brater, Cherry, Clark-Coleman, Clarke, Goschka, Jacobs, Olshove, Prusi, Schauer, Switalski and Thomas were named co-sponsors of the resolution.

Senator Gilbert offered the following resolution:

**Senate Resolution No. 299.**

A resolution congratulating the city of Port Huron on its state designation as “Maritime Capital of the Great Lakes.”

Whereas, The stream of ship traffic past the shores of Port Huron and under the Blue Water Bridges are the biggest tourist attractions in the region. Port Huron is steeped in maritime history and tradition; and

Whereas, An excellent vantage area for up-close viewing of American and international ship traffic, Port Huron has the best easily accessible deep water port on the Great Lakes; and

Whereas, The city annually hosts the Mackinac Race, arguably the most renowned racing event held on the Great Lakes; and

Whereas, Port Huron is home to numerous other popular Great Lakes attractions such as the Fort Gratiot Lighthouse, the Huron Lightship, the tall ship Highlander Sea, as well as numerous other maritime-oriented festivals and events; and

Whereas, On August 10, 2004, the service mark “Maritime Capital of the Great Lakes” was registered on behalf of the city of Port Huron with the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services; now, therefore, be it

Resolved by the Senate, That we congratulate the city of Port Huron on this notable achievement and recognize city officials and community leaders for their hard work and commitment to this endeavor; and be it further

Resolved, That a copy of this resolution be transmitted to the city of Port Huron as evidence of our esteem and good wishes.

Senators Bishop, Brater, Brown, Cherry, Clarke, Cropsey, Garcia, Goschka, Jacobs, Olshove, Switalski and Thomas were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Prusi’s statement is as follows:

I rise today to express my disappointment in my colleagues’ refusal to join me in supporting our state’s corrections officers and local communities. We all know that money is tight. We also know that ensuring the safety of our people in our prisons should be a paramount concern to everyone in the Legislature. My amendment recognized both realities. It simply would have required that any additional revenue in next year’s budget be directed to our prisons to ensure that guard towers would continue to be manned around the clock. The amendment would have put in place a priority we all should share. The men and women who work inside our prisons and the families who live in nearby communities should not have to worry about their safety when the towers are unmanned. I’m certain this issue will come before our chamber again. I am hopeful that next time we will make a different choice.

Senator Scott’s statement is as follows:

You know, I rise regarding my insurance again today. You can take local control away from us when you want to take over the fairs and that, but you can’t help us with our insurance. It’s that very same area that is paying these very high insurance rates. I just want to remind you that we need some help in that area. Since you won’t let us do what we want to do at the State Fair, at least allow us to have the same insurance rates that you have. I think it’s important that we be fair in this Legislature. You want local control from us, then help us with our insurance, which is local.

You know, I just really get so upset about this issue. It just goes on deaf ears, and then I hear my colleagues and others saying, “You know, she gets up and talks about that insurance every day.” Well, you know what? I am going to continue to talk about it until you do something about it.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senator Thomas introduced

**Senate Bill No. 1397, entitled**

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.283) by adding section 20o. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1398, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20i. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1399, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 61 (MCL 800.61), as amended by 2002 PA 89.

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

Senator Thomas introduced

**Senate Bill No. 1400, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20m. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1401, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20n. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1402, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20j. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1403, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20k. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Thomas introduced

**Senate Bill No. 1404, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20l. The bill was read a first and second time by title and referred to the Committee on Judiciary.

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

**Senate Bill No. 1405, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

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

**Senate Bill No. 1406, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2004 PA 52 and section 315 as amended by 1999 PA 118.

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

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

**Senate Bill No. 1407, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 2004 PA 92.

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

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

**Senate Bill No. 1408, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

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

Senators Patterson, Cherry, Hardiman, Switalski, Hammerstrom, Kuipers, Garcia, Thomas, Schauer, Olshove and Goschka introduced

**Senate Bill No. 1409, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending the title and sections 1, 2, and 3 (MCL 24.401, 24.402, and 24.403), section 2 as amended by 2001 PA 72, and by adding sections 4, 5, and 6.

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

Senators Patterson, Gilbert, Hardiman, Garcia and Scott introduced

**Senate Bill No. 1410, 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 811m.

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

Senators Basham, Jacobs and Garcia introduced

**Senate Bill No. 1411, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

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

Senators Basham, Jacobs and Garcia introduced

**Senate Bill No. 1412, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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

Senators Basham, Jacobs and Garcia introduced

**Senate Bill No. 1413, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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

Senators Schauer, George, Brown, Jacobs, Hardiman and Bernero introduced

**Senate Bill No. 1414, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 224 and 224d (MCL 750.224 and 750.224d), section 224 as amended by 1991 PA 33 and section 224d as amended by 1992 PA 4.

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

Senators Garcia, Prusi, Allen, Hardiman, Jacobs and Birkholz introduced

**Senate Bill No. 1415, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 15a.

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



Senator Birkholz introduced

**Senate Bill No. 1416, entitled**

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 161, 163, 165, 167, and 168 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.161, 560.163, 560.165, 560.167, and 560.168), section 117 as amended by 1998 PA 549, and by adding section 112a; and to repeal acts and parts of acts.

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. 5340, entitled**

A bill to amend 2002 PA 440, entitled "An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance," by amending section 6.

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

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

**House Bill No. 5771, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 11702, 11703, 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11713, 11714, 11715, 11716, 11717, 11718, and 11719 (MCL 324.11701, 324.11702, 324.11703, 324.11704, 324.11705, 324.11706, 324.11707, 324.11708, 324.11709, 324.11710, 324.11711, 324.11712, 324.11713, 324.11714, 324.11715, 324.11716, 324.11717, 324.11718, and 324.11719), sections 11703, 11704, and 11709 as amended by 2004 PA 325, and by adding sections 11715b, 11715d, 11717b, and 11720.

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. 5772, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as added by 2002 PA 30.

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. 6046, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 4 (MCL 125.1504), as amended by 1999 PA 245.

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 Economic Development, Small Business and Regulatory Reform.

**House Bill No. 6165, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 9 (MCL 207.629), as amended by 1993 PA 58.

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. 6208, entitled**

A bill to amend 2002 PA 6, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Tuscola county and Wayne county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyances," by amending section 10.

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

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

**Committee Reports**

The Committee on Appropriations reported

**Senate Bill No. 1368, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 175 (MCL 600.175), as added by 2003 PA 78.

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

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 1369, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d and 151e (MCL 600.151d and 600.151e), section 151d as added by 2002 PA 740 and section 151e as added by 2002 PA 742.

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

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 1376, entitled**

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7 (MCL 390.1457), as amended by 2002 PA 736.

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

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

Shirley Johnson  
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Jelinek, Hardiman, George, Prusi, Barcia, Scott, Cherry and Switalski

Nays: Senators Brown, Goschka, Garcia, Cropsey and McManus

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

The Committee on Appropriations reported

**Senate Bill No. 1391, entitled**

A bill to provide for the transfer between state departments of certain state property in Ingham and Clinton counties.

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, September 14, 2004, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Clarke

The Committee on Senior Citizens and Veterans Affairs reported

**Senate Bill No. 1243, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 73.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Senior Citizens and Veterans Affairs reported

**House Bill No. 5432, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2002 PA 611.

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.

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Clark-Coleman and Olshove

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

**House Bill No. 5953, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

With the recommendation that the bill pass.

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

Laura M. Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Clark-Coleman and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, September 15, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

The Committee on Appropriations reported

**Senate Bill No. 1392, entitled**

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

With the recommendation that the bill pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: Senator Goschka

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**House Bill No. 5864, entitled**

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2002 PA 463.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Shirley Johnson  
Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, September 15, 2004, at 12:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Garcia and Cropsey

The Committee on Health Policy reported

**House Bill No. 4361, 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 416d.

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.

Bruce Patterson  
Vice Chairperson

To Report Out:

Yeas: Senators Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 4362, entitled**

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

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.

Bruce Patterson  
Vice Chairperson

**To Report Out:**

Yeas: Senators Patterson, George, Bernero and Jacobs

Nays: None

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, September 15, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Patterson, George, Bernero and Jacobs

Excused: Senator Hammerstrom (C)

**COMMITTEE ATTENDANCE REPORT**

The Michigan Capitol Committee submitted the following:

Meeting held on Wednesday, September 15, 2004, at 8:30 a.m., Room H-426, Capitol Building

Present: Senators George (C), Toy, Garcia and Schauer

**COMMITTEE ATTENDANCE REPORT**

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, September 15, 2004, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Leland

**COMMITTEE ATTENDANCE REPORT**

The Legislative Retirement Board of Trustees submitted the following:

Meeting held on Wednesday, September 15, 2004, at 3:00 p.m., Room H-252, Capitol Building

Present: Senator Leland

Excused: Senator Goschka

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, September 23, 9:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, September 22, 12:00 noon or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, September 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Finance** - Wednesday, September 22, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, September 22, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

**Local, Urban and State Affairs** - Thursday, September 23, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:19 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, September 22, 2004, at 10:00 a.m.

