

No. 67
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, June 30, 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—excused
Clarke—present
Cropsey—present

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

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

Senator Ron Jelinek of the 21st District offered the following invocation:

Lord, we thank You for a beautiful day today, and it is a beautiful day. It's a day full of hope, a day full of opportunity, but it is also a day of responsibility. We all have the responsibility to make wise decisions that affect everyone in the best ways possible. We pray for Your guidance to make those decisions, good decisions, to make them the best decisions possible. We pray that those decisions will allow all of our citizens the opportunities they need to fulfill their lives with success for themselves and compassion for others.

May we all enjoy and appreciate the opportunity to live and participate in this great state and this great country. May we help each other to understand and serve You, Lord, as we work to create a wonderful world and a beautiful day for everyone. Amen.

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

Recess

Senator Cherry moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

10:15 a.m.

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

During the recess, Senators Sanborn, Barcia, Hammerstrom, McManus, Garcia, Stamas, Cassis, Van Woerkom, Johnson, Kuipers, George, Hardiman, Cropsey, Bishop, Birkholz, Sikkema, Allen and Toy entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senate Bill No. 544, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and 43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, 125.2331, 125.2338, and 125.2343), section 28 as amended by 1993 PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38 as amended by 1988 PA 337; and to repeal acts and parts of acts.

Senate Bill No. 545, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending the title and sections 1, 11, 15a, 22, 24b, 32, 32a, 32b, 44, 44c, 44d, 97, 97a, 97b, 97c, 97d, 97e, 97f, 98, 98a, 98b, 98c, 98d, 98e, 98f, and 99c (MCL 125.1401, 125.1411, 125.1415a, 125.1422, 125.1424b, 125.1432, 125.1432a, 125.1432b, 125.1444, 125.1444c, 125.1444d, 125.1497, 125.1497a, 125.1497b, 125.1497c, 125.1497d, 125.1497e, 125.1497f, 125.1498, 125.1498a, 125.1498b, 125.1498c, 125.1498d, 125.1498e, 125.1498f, and 125.1499c), the title and sections 97c and 98c as amended by 1984 PA 215, sections 1 and 44d as amended by 1998 PA 33, sections 11, 44c, and 98a as amended by 1996 PA 475, section 15a as amended by 1994 PA 363, section 22 as amended by 2002 PA 385, sections 24b, 97, 97a, 97b, 97d, 97e, 97f, 98, 98b, 98d, 98e, and 98f as amended by 1983 PA 217, sections 32, 32a, 32b, and 44 as amended by 2000 PA 257, and section 99c as added by 1989 PA 220.

Senate Bill No. 546, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4g (MCL 205.93 and 205.94g), section 3 as amended by 2002 PA 669 and section 4g as added by 1985 PA 66.

Senate Bill No. 547, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 76, 79, 627, 719a, 719b, 725, and 801 (MCL 257.76, 257.79, 257.627, 257.719a, 257.719b, 257.725, and 257.801), section 79 as amended by 1992 PA 134, section 627 as amended by 1990 PA 165, section 719a as amended by 1996 PA 136, section 719b as amended by 1993 PA 243, section 725 as amended by 1998 PA 247, and section 801 as amended by 2002 PA 417.

Senate Bill No. 548, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 40103 (MCL 324.16901 and 324.40103), section 16901 as amended by 2002 PA 496 and section 40103 as amended by 2000 PA 191.

Senate Bill No. 549, entitled

A bill to amend 1966 PA 326, entitled "An act to regulate the rate of interest of money; to provide exceptions; to prescribe the rights of parties; and to repeal certain acts and parts of acts," by amending section 1c (MCL 438.31c), as amended by 1990 PA 94.

Senate Bill No. 550, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 2A104, 9201, and 9311 (MCL 440.2804, 440.9201, and 440.9311), section 2A104 as amended by 1996 PA 72, section 9201 as amended by 2002 PA 480, and section 9311 as amended by 2001 PA 145.

Senate Bill No. 551, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 7, 121, 122, 122a, 122b, 123, 124, and 127 (MCL 559.107, 559.221, 559.222, 559.222a, 559.222b, 559.223, 559.224, and 559.227), sections 121, 122, and 127 as amended by 1982 PA 538, and section 122a as amended and section 122b as added by 1984 PA 356.

Senate Bill No. 552, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4704, 5714, 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 (MCL 600.4704, 600.5714, 600.5771, 600.5773, 600.5775, 600.5777, 600.5779, 600.5781, 600.5783, and 600.5785), section 4704 as added by 1988 PA 104, section 5714 as amended by 1990 PA 310, and sections 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 as added by 1988 PA 336.

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

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

Senate Bill No. 544

Senate Bill No. 545

Senate Bill No. 546

Senate Bill No. 547

Senate Bill No. 548

Senate Bill No. 549

Senate Bill No. 550

Senate Bill No. 551

Senate Bill No. 552

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

Senator Hammerstrom moved that the Committee on Senior Citizens and Veterans Affairs be discharged from further consideration of the following bills:

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 Michigan national guard or United States armed forces reserve component or United States armed forces reserve 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.

Senate Bill No. 1270, entitled

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

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

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

Senate Bill No. 1269**Senate Bill No. 1270**

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

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

May 24, 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 2:50 p.m. this date, administrative rule (04-05-04) for the Department of Community Health, Bureau of Children and Family Programs, entitled "*Vision Screening of Preschool and School-age Children,*" effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

June 21, 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 3:15 p.m. this date, administrative rule (04-06-02) for the Department of Labor and Economic Growth, Commission For The Blind, entitled "*Vending Facility Program Rules.*" These rules take effect on October 1, 2004.

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

The communications were referred to the Secretary for record.

The following communication was received:

Department of Environmental Quality

June 23, 2004

I am pleased to present the Department of Environmental Quality's (DEQ's) status report on the implementation of the Great Lakes Water Quality Bond. This report is being submitted to the Legislature in accordance with Section 503 of Public Act 171 of 2003, the Fiscal Year 2004 Appropriation Bill for the DEQ.

The report summarizes recent activities in two programs, the State Revolving Fund (SRF) and the Surface Water Quality Initiatives Fund (SWQIF), which provide low interest rate loans to municipalities for water quality improvement projects.

I trust the members of the Senate will find this report informative. If you have comments or questions about this report, please contact Ms. Amy A. Butler, Chief, Environmental Science and Services Division, at 517-241-0490, or you may contact me.

Sincerely,
Steven E. Chester
Director
517-373-7917

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 29:
House Bill No. 5879

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 30:
House Bill Nos. 5876 5878 5882 5884 5887 5889 5890 5893 5895 5896 5897 5899 5900

The Secretary announced that the following official bill was printed on Tuesday, June 29, and is available at the legislative Web site:
Senate Bill No. 1328

Senator Schauer moved that Senators Clark-Coleman and Thomas be excused from today's session.
 The motion prevailed.

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

June 29, 2004

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committees below:

SB 1062 (Community Colleges):	Senator Jelinek (C), Senator Stamas, Senator Switalski
SB 1063 (Community Health):	Senator Stamas (C), Senator George, Senator Cherry
SB 1064 (Corrections):	Senator Cropsey (C), Senator Brown, Senator Prusi
SB 1065 (Education):	Senator Jelinek (C), Senator Cropsey, Senator Scott
SB 1066 (Environmental Quality):	Senator McManus (C), Senator Goschka, Senator Barcia
SB 1067 (Higher Education):	Senator Goschka (C), Senator Johnson, Senator Cherry
SB 1068 (Natural Resources):	Senator McManus (C), Senator Johnson, Senator Barcia
SB 1069 (School Aid):	Senator Jelinek (C), Senator Cropsey, Senator Switalski
HB 5509 (Agriculture):	Senator Brown, Senator Hardiman, Senator Barcia
HB 5516 (FIA):	Senator Hardiman, Senator George, Senator Scott
HB 5517 (General Government):	Senator Garcia, Senator McManus, Senator Switalski
HB 5519 (HAL):	Senator George, Senator McManus, Senator Clarke
HB 5520 (Judiciary):	Senator Cropsey, Senator Garcia, Senator Switalski
HB 5521 (DLEG):	Senator Garcia, Senator George, Senator Prusi
HB 5522 (Military Affairs):	Senator Brown, Senator Stamas, Senator Clarke
HB 5526 (State Police):	Senator Brown, Senator Stamas, Senator Clarke

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
The motion prevailed.

The following message from the Governor was received and read:

June 29, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 3 of 1939 PA 176, MCL 423.3:

Employment Relations Commission

Mr. Nino E. Green, a Democrat, of 225 Ludington, Escanaba, Michigan 49829, county of Delta, succeeding Harry W. Bishop, whose term expires on June 30, 2004, appointed for a term commencing July 1, 2004 and expiring June 30, 2007.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

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

Senator Goschka entered the Senate Chamber.

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

Senate Bill No. 850
Senate Bill No. 851
Senate Bill No. 143
Senate Bill No. 184
Senate Bill No. 1001
Senate Bill No. 1003
House Bill No. 5463
House Bill No. 5653
Senate Bill No. 1285
House Bill No. 5931
House Bill No. 5930
House Bill No. 5598
House Bill No. 5021
House Bill No. 5174
House Bill No. 5175
House Bill No. 5176
House Bill No. 5177
House Bill No. 5178
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 850, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 283a.

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. 473**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 851, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 408.476).

The question being on the passage of the bill,

Senator Allen offered the following substitute:

Substitute (S-2).

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

The question being on the passage of the bill,

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

Roll Call No. 474**Yeas—36**

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 143, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 4y.

The question being on the passage of the bill,

Senator Thomas offered the following amendments:

1. Amend page 1, following line 11, by inserting:

“(a) Before October 1, 2005, all of the following qualifications:”.

2. Amend page 2, line 1, by striking out “(a)” and inserting “(i)”.
3. Amend page 2, line 5, by striking out “(b)” and inserting “(ii)”.
4. Amend page 2, line 7, by striking out “(c)” and inserting “(iii)”.
5. Amend page 2, line 13, by striking out “(d)” and inserting “(iv)”.
6. Amend page 2, line 18, by striking out “(e)” and inserting “(v)”.
7. Amend page 2, following line 22, by inserting:

“(b) After September 30, 2005, all of the following qualifications:

(i) **The individual receives or, if he or she applied, would be eligible to receive public assistance through a program created and administered under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or the individual has a total household income below 200% of the federal poverty guidelines updated annually in the federal register of the United States department of health and human services.**

(ii) **The individual has a valid Michigan operator’s or chauffeur’s license.”.**

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

The question being on the passage of the bill,

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

Roll Call No. 475

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 184, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

The question being on the passage of the bill,

Senator Thomas offered the following amendments:

1. Amend page 1, following line 9, by inserting:
 "**(i) Before October 1, 2005, all of the following qualifications:**"
2. Amend page 1, line 10, by striking out "**(i)**" and inserting "**(A)**".
3. Amend page 2, line 3, by striking out "**(ii)**" and inserting "**(B)**".
4. Amend page 2, line 8, by striking out "**(iii)**" and inserting "**(C)**".
5. Amend page 2, line 16, by striking out "**(iv)**" and inserting "**(D)**".
6. Amend page 2, line 21, by striking out "**(v)**" and inserting "**(E)**".
7. Amend page 2, following line 25, by inserting:

 "**(i) After September 30, 2005, all of the following qualifications:**

(A) The individual receives or, if he or she applied, would be eligible to receive public assistance through a program created and administered under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or the individual has a total household income below 200% of the federal poverty guidelines updated annually in the federal register of the United States department of health and human services.

(B) The individual has a valid Michigan operator's or chauffeur's license."

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

The question being on the passage of the bill,

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

Roll Call No. 476

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1001, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

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. 477**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1003, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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. 478**Yeas—36**

Allen	Cherry	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas

Brater
Brown
Cassis

Gilbert
Goschka
Hammerstrom

McManus
Olshove
Patterson

Switalski
Toy
Van Woerkom

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5463, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37g.
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. 479

Yeas—36

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5653, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4bb.

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. 480

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1285, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 252a.

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. 481**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5931, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 834 and 4060 (MCL 500.834 and 500.4060), section 834 as amended by 2000 PA 378 and section 4060 as amended by 1993 PA 349, and by adding section 838.

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. 482**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5930, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 8115a.

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. 483**Yeas—36**

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5598, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 43 (MCL 421.43), as amended by 2000 PA 490.

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. 484

Yeas—36

Allen
Barcia

Cherry
Clarke

Hardiman
Jacobs

Prusi
Sanborn

Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5021, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 1615.

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. 485

Yeas—36

Allen	Cherry	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom

Nays—0

Excused—2

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5174, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 16 and 18 (MCL 750.16 and 750.18), section 16 as amended by 2002 PA 672.

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. 486

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5175, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221, 16226, 17763, and 17764 (MCL 333.16221, 333.16226, 333.17763, and 333.17764), sections 16221 and 16226 as amended by 2004 PA 48 and section 17763 as amended by 1997 PA 153.

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. 487**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5176, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2003 PA 309.

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. 488

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5177, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2000 PA 279.

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. 489

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5178, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 34 (MCL 791.234), as amended by 2002 PA 670.

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. 490

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman Thomas

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 267

Senate Bill No. 774

Senate Bill No. 832

Senate Bill No. 1167

Senate Bill No. 874

The motion prevailed.

Senate Bill No. 831, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 97. Substitute (H-1).

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

Senator George offered the following amendment to the substitute:

1. Amend page 9, line 14, after “**department**” by inserting “**that no other drugs included on the preferred drug list, in the physician’s professional opinion, would offer a comparable benefit to the patient and**”.

The amendment to the substitute was adopted.

The question being on the adoption of the House substitute, as amended,

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

Roll Call No. 491

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Thomas

Not Voting—0

In The Chair: President

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

Senate Bill No. 1062, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Caswell, Brandenburg and Sak as conferees to join with Sens. Jelinek, Stamas and Switalski.

The bill was referred to the Conference Committee.

Senate Bill No. 1063, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Newell, Shaffer and Whitmer as conferees to join with Sens. Stamas, George and Cherry.

The bill was referred to the Conference Committee.

Senate Bill No. 1064, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has appointed Reps. Pumford, Brandenburg and Reeves as conferees to join with Sens. Cropsey, Brown and Prusi.

The bill was referred to the Conference Committee.

Senate Bill No. 1065, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has appointed Reps. Moolenaar, Pumford and Plakas as conferees to join with Sens. Jelinek, Cropsey and Scott.

The bill was referred to the Conference Committee.

Senate Bill No. 1066, entitled

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

The House of Representatives has appointed Reps. Pastor, Moolenaar and Brown as conferees to join with Sens. McManus, Goschka and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 1067, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The House of Representatives has appointed Reps. Caul, Farhat and Brown as conferees to join with Sens. Goschka, Johnson and Cherry.

The bill was referred to the Conference Committee.

Senate Bill No. 1068, entitled

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

The House of Representatives has appointed Reps. Pastor, Walker and Brown as conferees to join with Sens. McManus, Johnson and Barcia.

The bill was referred to the Conference Committee.

Senate Bill No. 1069, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b, and 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b, and 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15 and 18a as amended by 1996 PA 300, sections 21b and 152 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding section 146; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. Moolenaar, Pumford and Plakas as conferees to join with Sens. Jelinek, Cropsey and Switalski.

The bill was referred to the Conference Committee.

Senate Bill No. 998, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 10A.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 999, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

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.

Senate Bill No. 1000, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11 and 14 of chapter II, sections 4a, 16a, and 31 of chapter IX, and sections 1 and 3 of chapter XI (MCL 762.11, 762.14, 769.4a, 769.16a, 769.31, 771.1, and 771.3), section 11 of chapter II as amended by 1993 PA 293, section 14 of chapter II as amended by 1994 PA 286, section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, section 1 of chapter XI as amended by 2002 PA 666, and section 3 of chapter XI as amended by 2003 PA 101, and by adding section 4b to chapter IX.

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 amended the title to read as follows:

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 13 and 14 of chapter II (MCL 762.13 and 762.14), section 13 as amended by 2002 PA 483 and section 14 as amended by 1994 PA 286.

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

Senate Bill No. 1025, entitled

A bill to create a child protection registry; to prohibit the sending of certain communications to registered contact points; to proscribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies.

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

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

A bill to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies.

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

Senate Bill No. 1209, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 6 and 9i (MCL 290.646 and 290.649i), section 6 as amended by 2002 PA 13 and section 9i as added by 1993 PA 236.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1222, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending sections 9, 11, and 26 (MCL 338.829, 338.831, and 338.846), as amended by 2002 PA 474.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1223, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending sections 209 and 211 (MCL 338.3209 and 338.3211), section 209 as amended by 1993 PA 55 and section 211 as amended by 1998 PA 132.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 1228, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5 and 9a (MCL 722.115 and 722.119a), section 5 as amended by 1998 PA 519 and section 9a as added by 1980 PA 232.

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

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

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

House Bill No. 4013, entitled

A bill to amend 1956 PA 205, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 2, line 21, after "**father.**" by inserting "**If medicaid has not paid the confinement and pregnancy expenses of the mother under this section, the court shall require an itemized bill for the expenses upon request from the father before an apportionment is made.**"

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title.

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

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 Hardiman 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:

Senate Bill No. 545, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending the title and sections 1, 11, 15a, 22, 24b, 32, 32a, 32b, 44, 44c, 44d, 97, 97a, 97b, 97c, 97d, 97e, 97f, 98, 98a, 98b, 98c, 98d, 98e, 98f, and 99c (MCL 125.1401, 125.1411, 125.1415a, 125.1422, 125.1424b, 125.1432, 125.1432a, 125.1432b, 125.1444,

125.1444c, 125.1444d, 125.1497, 125.1497a, 125.1497b, 125.1497c, 125.1497d, 125.1497e, 125.1497f, 125.1498, 125.1498a, 125.1498b, 125.1498c, 125.1498d, 125.1498e, 125.1498f, and 125.1499c), the title and sections 97c and 98c as amended by 1984 PA 215, sections 1 and 44d as amended by 1998 PA 33, sections 11, 44c, and 98a as amended by 1996 PA 475, section 15a as amended by 1994 PA 363, section 22 as amended by 2002 PA 385, sections 24b, 97, 97a, 97b, 97d, 97e, 97f, 98, 98b, 98d, 98e, and 98f as amended by 1983 PA 217, sections 32, 32a, 32b, and 44 as amended by 2000 PA 257, and section 99c as added by 1989 PA 220.

Senate Bill No. 548, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 40103 (MCL 324.16901 and 324.40103), section 16901 as amended by 2002 PA 496 and section 40103 as amended by 2000 PA 191.

Senate Bill No. 549, entitled

A bill to amend 1966 PA 326, entitled "An act to regulate the rate of interest of money; to provide exceptions; to prescribe the rights of parties; and to repeal certain acts and parts of acts," by amending section 1c (MCL 438.31c), as amended by 1990 PA 94.

Senate Bill No. 550, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 2A104, 9201, and 9311 (MCL 440.2804, 440.9201, and 440.9311), section 2A104 as amended by 1996 PA 72, section 9201 as amended by 2002 PA 480, and section 9311 as amended by 2001 PA 145.

Senate Bill No. 551, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 7, 121, 122, 122a, 122b, 123, 124, and 127 (MCL 559.107, 559.221, 559.222, 559.222a, 559.222b, 559.223, 559.224, and 559.227), sections 121, 122, and 127 as amended by 1982 PA 538, and section 122a as amended and section 122b as added by 1984 PA 356.

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

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

Senate Bill No. 1115, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; and to repeal acts and parts of acts.

Substitute (S-3).

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

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

Senate Bill No. 1129, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5114 and 5114a (MCL 333.5114 and 333.5114a), as added by 1988 PA 489.

Substitute (S-1).

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

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

Senate Bill No. 817, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2002 PA 534, and by adding section 217o.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5824, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9j. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5823, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7ii. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5979, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by amending the title and by adding sections 5a and 7a. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4338, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373 and 613 (MCL 380.373 and 380.613), section 373 as amended by 2000 PA 230 and section 613 as amended by 2003 PA 299, and by adding sections 614a, 619, 620, and 1107. Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4947, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 614 (MCL 380.614), as amended by 2003 PA 299. Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5376, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1267 (MCL 380.1267), as amended by 1995 PA 289. Substitute (S-1).

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

1. Amend page 3, line 2, after "a" by inserting "sworn and notarized".
2. Amend page 3, line 10, after "this" by inserting "sworn and notarized".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5665, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 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 Michigan national guard or United States armed forces reserve component or United States armed forces reserve 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.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1270, entitled

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

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 544, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and 43 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, 125.2331, 125.2338, and 125.2343), section 28 as amended by 1993 PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38 as amended by 1988 PA 337; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 15, line 26, by striking out all of subsection (8).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 546, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 4g (MCL 205.93 and 205.94g), section 3 as amended by 2002 PA 669 and section 4g as added by 1985 PA 66.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 547, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 76, 79, 627, 719a, 719b, 725, and 801 (MCL 257.76, 257.79, 257.627, 257.719a, 257.719b, 257.725, and 257.801), section 79 as amended by 1992

PA 134, section 627 as amended by 1990 PA 165, section 719a as amended by 1996 PA 136, section 719b as amended by 1993 PA 243, section 725 as amended by 1998 PA 247, and section 801 as amended by 2002 PA 417.

Substitute (S-1).

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

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

Senate Bill No. 552, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4704, 5714, 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 (MCL 600.4704, 600.5714, 600.5771, 600.5773, 600.5775, 600.5777, 600.5779, 600.5781, 600.5783, and 600.5785), section 4704 as added by 1988 PA 104, section 5714 as amended by 1990 PA 310, and sections 5771, 5773, 5775, 5777, 5779, 5781, 5783, and 5785 as added by 1988 PA 336.

Substitute (S-1).

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

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.

Senate Resolution No. 261.

A resolution to urge the Governor to appoint a task force on cervical cancer awareness in Michigan.

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

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

Introduction and Referral of Bills

Senators Allen, Jelinek, Barcia, Stamas and McManus introduced

Senate Bill No. 1329, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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

Senator McManus introduced

Senate Bill No. 1330, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3705 (MCL 700.3705).

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

House Bill No. 5876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3503, 4105, 6516, 6517, 6521, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 35304, 36505, 41702, 41709, 42101, 42501, 42702,

44513, 44517, 45503, 45902, 45903, 45906, 61525, 62509, 63103a, 63103c, 63514, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517, 324.45503, 324.45902, 324.45903, 324.45906, 324.61525, 324.62509, 324.63103a, 324.63103c, 324.63514, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 1995 PA 171, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 63514, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, sections 63103a and 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, and 1311.

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. 5878, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2002 PA 76.

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. 5879, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," (MCL 289.1101 to 289.8111) by adding section 4116.

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. 5882, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13a (MCL 400.713a), as added by 1992 PA 176.

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. 5884, entitled

A bill to amend 2001 PA 267, entitled "Manufacturing milk law of 2001," (MCL 288.561 to 288.740) by adding section 110a.

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. 5887, entitled

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending sections 7 and 15 (MCL 338.1707 and 338.1715).

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. 5889, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 31 (MCL 338.3541).

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. 5890, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending sections 15 and 16 (MCL 408.815 and 408.816).

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. 5893, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 9, 11, and 25 (MCL 338.1059, 338.1061, and 338.1075), sections 9 and 25 as amended by 2002 PA 473 and section 11 as amended by 2000 PA 411.

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. 5895, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20162 (MCL 333.20162) and by adding section 20935.

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. 5896, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 23 (MCL 432.11 and 432.23), as amended by 1996 PA 167.

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. 5897, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending section 9 (MCL 286.209), as amended by 2003 PA 104.

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. 5899, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 7 (MCL 285.67), as amended by 2002 PA 80.

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. 5900, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 1997 PA 120.

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.

Statements

Senators Cropsey 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 Cropsey's statement is as follows:

Last week I rose and made a statement about the decision of the Saginaw County Circuit Court to deny the people of Saginaw County the ability to vote for one of our Senate members for the register of deeds office. The Michigan State Supreme Court issued an order on Friday reversing the Circuit Court's decision and ordered that the Senator's name from Saginaw County be put on the ballot.

On Monday, in an article entitled "Goschka Back on Saginaw Ballot," MIRS quoted the current Saginaw County register of deeds, in which she attacked the integrity of the Michigan Supreme Court. It is ironic that in her attack on the Supreme Court, she called the current court an embarrassment for not having oral arguments on this issue and also saying, in response to a question, that the Supreme Court was playing politics with the decision.

The Saginaw News in Friday's paper said this in part of their editorial: "The voters, not a judge, should decide whether the Brant Township Republican deserves an office in the courthouse." They went on to say, "Either way, the rulings from the bench shouldn't eliminate ballot choices. This is a case when the judge should have deferred to the electorate and avoided entering the political fray." *The Saginaw News*, in its last paragraph, said, "The appellate courts should overrule the decision and let the citizens decide whether they prefer Goschka or Democrat Mildred Dodak, the incumbent register of deeds. Saginaw County voters, not the judge, are the final arbiters in this political dispute."

When you take a look at it, the embarrassment is really the Saginaw County Democrat Party and the current register of deeds in Saginaw County. They were the ones who tried to sabotage our election system. They were the ones who tried to deny the people the right to vote.

Finally, the Saginaw County Democrat Party and the current register of deeds were the ones who obviously brought a politically motivated case into the courts. The Supreme Court order was done by the whole court. There was no dissent issued by any members of the court. The current Saginaw County register of deeds should publicly apologize to the Supreme Court for impugning the integrity of the Supreme Court.

Senator Scott's statement is as follows:

I stand before my esteemed colleagues again today in support of insurance reform. You know, this isn't something that I've elected to do because I enjoy standing in front of the microphone and hearing myself talk. And I am certainly not in any competition amongst my Senate colleagues to rack up the most statements during this regular session of the 92nd Legislature.

Let's be serious about this for one moment. You will often hear me tell my constituents or colleagues during meetings in my office that I didn't come to Lansing because of any personal agendas. I served in the Michigan House of Representatives and now here in the Michigan Senate because I truly want to make a difference in the lives of those whom I represent. As most of you know, I represent a very diverse district from the very rich to the very poor; and from the most liberal to the ultraconservative. Trying to balance the wants and needs of my constituents can be very challenging, to say the least. What I do know and understand is that my constituents deserve nothing but the very best representation from their state Senator. I listen and I respond.

Many of my constituents have been very vocal about the hardship and the difficulties caused in trying to keep up with the payments for cars and homeowners insurance. Quite frankly, many of my constituents cannot afford cars and homeowners insurance; premiums are too high.

In an effort to address this important issue, I have introduced bills and I continue to work on drafting legislation that will bring fairness and equity to the ratepayers of Michigan. In fact, just yesterday, I had representatives from every side of this issue in my office for a two-hour meeting. We had a productive session, and I am optimistic that, by working together, we can bring about the necessary changes to Michigan's insurance system that will prove helpful and beneficial for all citizens of this state.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4260, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as added by 2000 PA 222.

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

1. Amend page 5, line 19, after "effect" by striking out "July 1, 2004" and inserting "September 1, 2004".

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Schauer, Bernero and Brater

Nays: Senator Bishop

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

The Committee on Judiciary reported

House Bill No. 5846, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 28 of chapter V (MCL 765.28), as amended by 2002 PA 659.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5698, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5j (MCL 28.425j), as amended by 2002 PA 719.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1252, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 1986 PA 308.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 1328, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2002 PA 709.

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

1. Amend page 3, line 18, after "section" by striking out "**6c of 1935 PA 59, MCL 28.6c**" and inserting "**6d of 1935 PA 59, MCL 28.6d**".

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 29, 2004, at 1:00 p.m., Room 210, Farnum Building

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

The Committee on Transportation reported

Senate Bill No. 146, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

Nays: None

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

The Committee on Transportation reported

House Bill No. 5969, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 15, 17, 19, and 55 (MCL 257.1815, 257.1817, 257.1819, and 257.1855), sections 17, 19, and 55 as amended by 2000 PA 49.

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

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 Transportation submitted the following:

Meeting held on Tuesday, June 29, 2004, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka and Basham

Excused: Senator Leland

Scheduled Meetings

Appropriations - Thursday, July 1, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Local, Urban and State Affairs - Thursday, July 1, 10:30 a.m. or later immediately following session, Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:13 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, July 1, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate