

No. 104
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, December 16, 2003.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused
Kuipers—present
Leland—present
McManus—present

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

Senator Deborah Cherry of the 26th District offered the following invocation:

Lord, thank You for the opportunity to come together to do good for our state and for our people. We pray that You will give us direction as we prepare to do the work of the people of the state of Michigan.

As this legislative body begins its deliberations today, we pray for wisdom and humility for ourselves and for the good and safety of those we represent. May the decisions we make today not only serve Your purpose, but the needs of all the people of this state. Help us to see beyond our differences, and give us the power and Your blessings to do Your will. Amen.

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

Senators Sanborn and Gilbert entered the Senate Chamber.

Recess

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

10:14 a.m.

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

During the recess, Senators Thomas, Cassis, Bishop, Patterson, Hardiman, Jelinek, McManus, Toy, Stamas, Sikkema, Allen, Birkholz, Goschka, Cropsey, Garcia and Van Woerkom entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

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

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

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:15 a.m.

10:21 a.m.

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

During the recess, Senator Stamas introduced to the Senate Joe and Willi Bevirt of Midland and presented them with the White Pine Award and a Special Tribute for their dedication to the Mackinaw trail project.

Joe Bevirt responded briefly.

Senators George and Kuipers entered the Senate Chamber.

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

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4825

The motion prevailed.

The following communication was received:
Office of Senator Shirley Johnson

December 11, 2003

Pursuant to the authority vested in you by Article V, Section 20 of the Constitution of the State of Michigan, and language contained in P.A. 431 of 1984, as amended: I, Senator Shirley Johnson, Chair of the Senate Appropriations committee of the Michigan State Legislature, hereby certify that the official minutes of our committee show that the majority of members of our committee, elected and serving, are recorded as approving Executive Order No. 2003-23, dated December 10, 2003.

Sincerely,
Shirley Johnson, Chair
Senate Appropriations Committee

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were available at the legislative Web site on Thursday, December 11:

Senate Bill Nos.	885	886	887	888	889	890	891	892	893					
House Bill Nos.	5363	5364	5365	5366	5367	5368	5369	5370	5371	5372	5373	5374	5375	5376
	5377	5378	5379	5380	5381	5382	5383							

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

Senate Bill Nos.	894	895	896	897	898	899	900	901
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Messages from the Governor

The following message from the Governor was received and read:

December 11, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to state office pursuant to Executive Order 2001-5, MCL 28.621:

Michigan Commission on Law Enforcement Standards

Mr. James D. Bosscher of 8252 West Falmouth Road, McBain, Michigan 49657, county of Missaukee, succeeding Thomas Edmonds, who has resigned, representing elected sheriffs, for a term commencing December 11, 2003 and expiring November 1, 2004.

Mr. John C. Sosa of 1569 Mill Street, Lincoln Park, Michigan 48146, county of Wayne, succeeding Timothy Permoda, whose term has expired, representing the Michigan State Police Troopers Association, for a term commencing December 11, 2003 and expiring November 1, 2006.

Mr. John P. Buczek of 4770 Perwood Drive, Saginaw, Michigan 48603, county of Saginaw, reappointed to represent the Michigan Chapter of the Fraternal Order of Police, for a term expiring November 1, 2006.

Mr. James Q. St. Louis of 1909 Trail Wood Circle, Midland, Michigan 48642, county of Midland, reappointed to represent the active voting members of the Michigan Association of Chiefs of Police, for a term expiring November 1, 2006.

Mr. Gene L. Wriggelsworth, Lansing, Michigan 48911, county of Ingham, reappointed to represent elected sheriffs, for a term expiring November 1, 2006.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

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. 687

The motion prevailed.

Messages from the House

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

Senate Bill No. 506
Senate Bill No. 557
Senate Bill No. 806
Senate Bill No. 485
Senate Bill No. 482
Senate Bill No. 502
Senate Bill No. 718
Senate Bill No. 814
Senate Bill No. 820
Senate Bill No. 821
Senate Bill No. 825
Senate Bill No. 834
Senate Bill No. 835

The motion prevailed.

Senator Schauer moved that Senator Clark-Coleman be excused from today's session.

The motion prevailed.

Senate Bill No. 476, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 25 (MCL 397.195), as amended by 2002 PA 540; and to repeal acts and parts of acts.

Substitute (H-2).

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

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

Roll Call No. 631

Yeas—35

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

Nays—0

Excused—2

Clark-Coleman Johnson

Not Voting—1

Leland

In The Chair: President

Senator Schauer moved that Senator Leland be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Leland entered the Senate Chamber.

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. 771, entitled

A bill to amend 1990 PA 72, entitled “Local government fiscal responsibility act,” by amending section 21 (MCL 141.1221), as amended by 2002 PA 408.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House, The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 632

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman Johnson

Not Voting—0

In The Chair: President

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

House Bill No. 4236, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 11, line 26, by striking out all of subsection (3) and inserting:

"(3) The department shall issue a license as a respiratory therapist to an individual who is a holder of a temporary license as a respiratory therapist if a holder of a temporary license meets all of the following requirements:

(a) Applies for licensure as a respiratory therapist prior to the expiration of his or her temporary license as prescribed in section 18711(2).

(b) Provides proof to the department that he or she has successfully completed the national credentialing exam by the national board for respiratory care or its successor organization, as approved by the department." and renumbering the remaining subsections.

2. Amend page 13, following line 14, by striking out all of enacting section 1 and inserting:

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

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4480, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending the title and sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2002 PA 254 and section 13 as amended by 2002 PA 727.

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. 633**Yeas—36**

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

Nays—0

Excused—2

Clark-Coleman

Johnson

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 authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4481, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 7gg.

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. 634**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman

Johnson

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 assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4482, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to clarify the ownership of certain parcels of property; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. 635

Yeas—36

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

Nays—0

Excused—2

Clark-Coleman

Johnson

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 4483, entitled

A bill to provide for the creation of land bank fast track authorities to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain authorities; to provide for the creation and appointment of boards to govern land bank fast track authorities and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank fast track authority; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank fast track authority; to provide for the distribution and use of revenues collected or received by a land bank fast track authority; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank fast track authority from tax; to extend protections against certain liabilities to a land bank fast track authority; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 636

Yeas—35

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

Nays—0

Excused—2

Clark-Coleman Johnson

Not Voting—1

Emerson

In The Chair: President

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

The following bill was read a third time:

House Bill No. 4488, entitled

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan

of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 4 (MCL 21.144) and by adding section 2f.

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. 637**Yeas—36**

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

Nays—0**Excused—2**

Clark-Coleman Johnson

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 588, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006), as amended by 2002 PA 316.

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. 638**Yeas—36**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas

Brown
Cassis

Goschka
Hammerstrom

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—2

Clark-Coleman

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:
House Bill No. 4484
Senate Bill No. 635
House Bill No. 4786
The motion prevailed.

The following bill was read a third time:

House Bill No. 4484, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78b, 78c, 78d, 78f, 78g, 78i, 78k, 78l, 78m, 131, and 131e (MCL 211.78b, 211.78c, 211.78d, 211.78f, 211.78g, 211.78i, 211.78k, 211.78l, 211.78m, 211.131, and 211.131e), sections 78b, 78c, 78d, and 78l as added and sections 131 and 131e as amended by 1999 PA 123, section 78f as amended by 2001 PA 95, sections 78g and 78k as amended by 2001 PA 94, section 78i as amended by 2001 PA 101, and section 78m as amended by 2001 PA 99; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 639

Yeas—35

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—3

Clark-Coleman

Emerson

Johnson

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 assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 635, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21311 (MCL 333.21311), as amended by 1984 PA 311.

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. 640**Yeas—35**

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Kuipers
Leland
McManus
Olshove
Patterson
Prusi
Sanborn

Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0**Excused—3**

Clark-Coleman

Emerson

Johnson

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. 4786, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 19 (MCL 409.119).

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. 641

Yeas—35

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

Nays—0

Excused—3

Clark-Coleman	Emerson	Johnson
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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 legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

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 Thomas as Chairperson.

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

House Bill No. 5219, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8313 (MCL 600.8313), as amended by 1995 PA 54.

House Bill No. 5306, entitled

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

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4249, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2855a. Substitute (S-1).

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

1. Amend page 1, line 7, after "**photograph:**" by striking out the balance of the subdivision and inserting:

"(i) **A person nominated by will or other writing signed by the decedent.**

(ii) **If an individual described in subparagraph (i) cannot be identified or located following a diligent and good faith effort, the decedent's spouse.**

(iii) **If an individual described in subparagraph (i) or (ii) cannot be identified or located following a diligent and good faith effort, an adult child of the decedent.**

(iv) **If an individual described in subparagraph (i), (ii), or (iii) cannot be identified or located following a diligent and good faith effort, a parent of the decedent.**

(v) **If an individual described in subparagraph (i), (ii), (iii), or (iv) cannot be identified or located following a diligent and good faith effort, the next of kin of the decedent.**

(vi) **If an individual described in subparagraph (i), (ii), (iii), (iv), or (v) cannot be identified or located following a diligent and good faith effort, an individual charged by law with the responsibility for burial or cremation of the decedent's body."**

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

"(3) **This section does not apply to an internet service provider or computer network service provider who in good faith, and without knowledge of the content of the photograph, provides the medium for public display of the photograph. As used in this subsection, "internet service provider" means a person who provides a service that enables users to access content, information, electronic mail, or other services offered over the internet.**

(4) **This section does not prohibit constitutionally protected speech or activity."** and renumbering the remaining subsection.

3. Amend page 2, following line 26, by inserting:

"(c) **"Public display" means to knowingly communicate, exhibit, or display in open view or to distribute to members of the public or in a public manner, whether or not for commercial purposes, through any medium of communication including, but not limited to, the internet or a computer, computer network, computer program, or computer system, as those terms are defined in section 2 of 1979 PA 53, MCL 752.792."**

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. 5216, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4l (MCL 117.4l), as amended by 1996 PA 44, and by adding section 4q.

Substitute (S-1).

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

1. Amend page 4, line 7, after "(1)." by inserting "**An ordinance shall not designate a violation as both a municipal civil infraction and a blight violation."**

2. Amend page 6, line 21, after "**program**" by inserting a comma and "**or does not require a landlord to register as part of a rental inspection program,"**

3. Amend page 8, following line 26, by inserting:

"(f) **Instructions on the preparation of a record that is adequate for judicial review."**

4. Amend page 10, line 7, after the second "**the**" by striking out "**clerk of the court**" and inserting "**city**".

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

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:
House Bill No. 5217, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4r.

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

1. Amend page 2, line 12, after "**to**" by striking out the balance of the line through "**211.157**" on line 13 and inserting "**forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a**".

2. Amend page 2, line 15, after “to” by striking out the balance of the line through “**211.157**” on line 16 and inserting “**forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a**”.

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

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

House Bill No. 5218, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 29 (MCL 117.29), as amended by 1994 PA 17.

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

1. Amend page 1, line 11, after “of” by inserting “**blight**”.

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

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

House Bill No. 5220, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 7 (MCL 125.587), as amended by 1994 PA 25.

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

1. Amend page 2, line 5, after “**city**” by striking out “**or village**”.

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

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

House Bill No. 5224, entitled

A bill to amend 1941 PA 359, entitled “An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 247.64), as amended by 1994 PA 26.

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

1. Amend page 3, line 13, after “**the**” by striking out “**township, city, or village**” and inserting “**city**”.

2. Amend page 3, line 16, after “**the**” by striking out “**township, city, or village**” and inserting “**city**”.

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

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

House Bill No. 4914, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80124a.

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.

During the Committee of the Whole, Senator Emerson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 5270

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

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

Senate Resolution No. 204

The resolution consent calendar was adopted.

Senators Cassis, Kuipers, Garcia, Van Woerkom, Toy, Sanborn, Cherry, Goschka, Allen, Switalski, George, McManus and Patterson offered the following resolution:

Senate Resolution No. 204.

A resolution commemorating January 10-17, 2004, as Michigan Robotics Week.

Whereas, Michigan is a state well known for its leadership in technology and engineering, home to numerous manufacturers, notably including those of the automotive industry. It is a pleasure to join with the families, friends, teachers, businesses, and members of robotic teams throughout our state as they kick off the 2004 competition celebrating education, knowledge, and innovation; and

Whereas, Since the first competition in 1992, F.I.R.S.T., which means For Inspiration and Recognition of Science and Technology, has worked around the world, building alliances and growing its community of leaders, educators, engineers, and volunteers. More importantly, young people are motivated to excellence and the pursuit of scientific learning, as well as discovering the impact of science itself on our lives; and

Whereas, F.I.R.S.T. is a program integrating competition and scientific learning with the skills necessary for true accomplishment in the highly technological 21st century in which we live. Through this competition, the young people who are our future leaders not only learn the tools of scientific discovery and experimentation in the technological realm, but also gain knowledge and experience in business competitiveness, which are vital to moving our economy forward; and

Whereas, Both the competition aspect and the unique learning experience of F.I.R.S.T. are critical to the program's success. During annual competitions, participants attend workshops, gain research experience, and learn the importance of cooperation, problem solving, and team building as they prepare for the final challenges, local robotic demonstrations, and exhibition matches. What began with 28 teams in 1992 has now grown to over 800 teams; and

Whereas, This outstanding program has attracted some youngsters who might have otherwise dropped out of school and encouraged them to complete their education. F.I.R.S.T. Lego League, for children aged 9-14, provides opportunities for a young person to continue participating in F.I.R.S.T. robotics as a high school student and become eligible for scholarships and employment; now, therefore, be it

Resolved by the Senate, That we recognize the importance of the F.I.R.S.T. program and commemorate January 10-17, 2004, as Michigan Robotics Week; and be it further

Resolved, That a copy of this resolution be transmitted to the 2004 Michigan F.I.R.S.T. participating teams as a token of our esteem.

Introduction and Referral of Bills

Senators Cherry, Jacobs, Hammerstrom and Garcia introduced

Senate Bill No. 902, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1505. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Switalski introduced

Senate Bill No. 903, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625a, 625c, 625d, and 625f (MCL 257.625a, 257.625c, 257.625d, and 257.625f), sections 625a, 625c, and 625f as amended by 2003 PA 61 and section 625d as amended by 1994 PA 211.

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

Statements

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

The motion prevailed.

Senator Brater's statement is as follows:

I rise to address an important and urgent public health matter. That is, the new rules that were issued last week on mercury by the Bush administration.

Mercury is a highly toxic substance affecting the human nervous system. It is particularly dangerous to children and pregnant women. Mercury that is released into the air settles in the water. Statistics from the Centers for Disease Control and Prevention show that 1 in 12 women of child-bearing years have unsafe levels of mercury in their blood due to fish consumption. As you know, because of unsafe levels of mercury in Michigan waters, Michigan is forced to issue fish advisories warning people not to eat excessive amounts of fish taken from Michigan waters. We are among 41 states in having to do this.

Under President Clinton, the EPA took large strides toward resolving the dangerous levels of mercury in our environment today. However, the EPA under President Bush last week took steps to erase these advances. The proposal issued by the EPA last week poses great danger to the public. Instead of protecting mothers and children from mercury poisoning, this proposal protects the energy industry by setting targets so weak that the industry will be allowed to continue polluting without using state-of-the-art mercury controls.

A study released today by the Environmental Defense analyzed the EPA's own data on mercury emissions and discovered that ten states are already at risk for mercury "hot spots." Michigan and Indiana registered the highest levels of mercury in the nation.

The EPA has stated that power plants will now be allowed to engage in "cap and trade" of mercury. Now this is a technique that was used to deal with acid rain, with sulfur dioxide, but they're two very different substances. Sulfur dioxide, when it comes out of a stack, tends to travel eastward from here hundreds of miles and become somebody else's problem and dissipate into the atmosphere. Whereas mercury, the most dangerous forms of it, when it comes out of the stack, it stays right where it is, near the power plant, and creates "hot spots" around that particular area. So people, Michigan citizens, living near power plants will continue to be endangered and maybe more so by the "cap and trade" that allows certain power plants to emit more mercury than others.

So I'm asking you to support me in my efforts to communicate with the Bush administration that this is a very unwise move on the part of the EPA. We should not be rolling back mercury standards. We should continue to require power plants when they retrofit to upgrade their plants in ways that are already technically feasible in terms of adding scrubbers to the plant, and not continue to endanger Michigan citizens, particularly pregnant women and children, to the highly dangerous neurotoxin which is mercury.

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

Senate Bill No. 727, entitled

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

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.

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

Senate Resolution No. 187.

A resolution to memorialize the Congress of the United States to enact legislation to grant a federal charter to the Korean War Veterans Association.

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

With the recommendation that the resolution be adopted.

Laura M. Toy
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 826, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 827, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county."

With the recommendation that the bill pass.

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 4299, entitled

A bill to amend 1911 PA 235, entitled "An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts," by amending section 1 (MCL 35.801).

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

House Bill No. 5022, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees

for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 12 (MCL 41.812), as added by 1989 PA 81.

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

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 5172, entitled

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

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 109, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending sections 2 and 4 (MCL 18.302 and 18.304).

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

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 564, entitled

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending the title and section 3 (MCL 450.793), as amended by 1998 PA 73.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 565, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 297a.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, December 11, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, December 10, 2003, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

COMMITTEE ATTENDANCE REPORT

The Joint Study Committee on Family Resource Center Curriculum submitted the following:

Meeting held on Wednesday, December 10, 2003, at 4:00 p.m., Senate Appropriations Room., 3rd Floor, Capitol Building

Present: Senators Jelinek (C) and Brown

Excused: Senator Scott

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, December 11, 2003, at 8:30 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, December 18, 8:30 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittee -

Higher Education, Joint Senate/House - Wednesday, January 28, 2004, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Conference Committees -

Groundwater Discharge Permit Fees (SB 560) - Wednesday, December 17, 2:45 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

NPDES Permit Fees (SB 252) - Wednesday, December 17, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Economic Development, Small Business and Regulatory Reform - Wednesday, December 17, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Education - Thursday, December 18, 2:00 p.m., Room 210, Farnum Building (373-6920)

Family Resource Center Curriculum Joint Study Committee (SCR 36) - Wednesday, December 17, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Finance - Wednesday, December 17, 1:00 p.m., Room 110, Farnum Building (373-1758)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:15 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, December 16, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

