

No. 66  
STATE OF MICHIGAN  
**Journal of the Senate**  
92nd Legislature  
REGULAR SESSION OF 2004

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Senate Chamber, Lansing, Tuesday, June 29, 2004.

10:00 a.m.

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

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

Allen—present  
Barcia—present  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—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—present  
Toy—excused  
Van Woerkom—present

Senator Gilda Z. Jacobs of the 14th District offered the following invocation:

We cannot merely pray to bring peace to our world, for we have already been blessed with the power to repair it; for every man and woman is already able to find the path of peace within himself and within her neighbor.

We cannot merely pray to end starvation and suffering, for we have already been blessed with the resources and the wisdom to do it.

We cannot merely pray to abolish prejudice, for we have already been blessed with the ability to see that the divine Spirit lives in all of us, and it is our own blindness that prevents us from embracing all humanity as brothers and sisters.

We cannot merely pray to solve the problems of the world without first recognizing our responsibilities. Therefore, we pray for the insight and the courage to use the strength, wisdom, and understanding with which we are already blessed to make this a better world of all created things. We pray that we might save ourselves from the evils of our own doing, that our world may be safe, and that our lives may be blessed.

May the words that we pray and the deeds that we do both be acceptable before God, the source from which all blessings flow. We pray for the strength, the wisdom, and understanding to use our opportunities for the good that each day brings.

May the Source of life bless us with peace and life, and let us say, Amen.

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

### Motions and Communications

Senators Leland and Johnson entered the Senate Chamber.

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

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

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

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

**House Bill No. 5930**

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

The following communication was received:  
Municipal Employees' Retirement System of Michigan

June 22, 2004

Enclosed is a copy of the *Comprehensive Annual Financial Report for the Year Ending December 31, 2003*. I am providing this to you pursuant to the requirements of the *MERS Plan Document* and MCL 38.1536(2)(f). Please read the report into the Daily Journal, since the journal is the recognized official document for communication for the members of the Legislature.

The report can also be found on our website at: [www.mersofmich.com](http://www.mersofmich.com). We hope that you find the report informative.

Sincerely,  
Anne M. Wagner  
Chief Executive Officer

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

June 25, 2004

Enclosed is a copy of the following audit report:  
Financial audit, including the provisions of the Single Audit Act, of the Department of Consumer and Industry Services.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 24:  
**House Bill Nos. 5364 5874 5881 5894 5914 5958 5959 5960 6021 6025 6026 6027**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, June 25, for her approval the following bills:

**Enrolled Senate Bill No. 1191 at 2:46 p.m.**

**Enrolled Senate Bill No. 988 at 2:48 p.m.**

The Secretary announced that the following official bills were printed on Thursday, June 24, and are available at the legislative Web site:

**Senate Bill Nos. 1317 1318 1319**

**House Bill Nos. 6040 6041 6042 6043 6044 6045**

The Secretary announced that the following official bills were printed on Friday, June 25, and are available at the legislative Web site:

**Senate Bill Nos. 1320 1321 1322**

**House Bill Nos. 6046 6047 6048 6049 6050 6051 6052 6053 6054 6055**

Senator Goschka entered the Senate Chamber.

### 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**

The motion prevailed.

The following messages from the Governor were received:

Date: June 24, 2004

Time: 9:18 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 943 (Public Act No. 165), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies,

intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

(Filed with the Secretary of State on June 24, 2004, at 2:36 p.m.)

Date: June 24, 2004

Time: 9:35 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 151 (Public Act No. 167), being**

An act 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 section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

(Filed with the Secretary of State on June 24, 2004, at 2:40 p.m.)

Date: June 24, 2004

Time: 9:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 296 (Public Act No. 171), being**

An act to amend 1956 PA 218, entitled "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," (MCL 500.100 to 500.8302) by adding section 3406*l*.

(Filed with the Secretary of State on June 24, 2004, at 2:48 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

The following messages from the Governor were received and read:

June 24, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Apple Marketing Program Committee**

Ms. Julia B. Hersey of 495 Kenowa Avenue, Casnovia, Michigan 49318, county of Muskegon, reappointed to represent growers from District 4, for a term expiring April 1, 2007.

Mr. Scott W. Lewis of 4138 West M-20, New Era, Michigan 49446, county of Oceana, reappointed to represent growers from District 5, for a term expiring April 1, 2007.

June 24, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Asparagus Marketing Program Committee**

Mr. Eugene M. Kokx, II, of 6189 North 126th Avenue, Hart, Michigan 49420, county of Oceana, succeeding Peter T. Conrad, whose term has expired, representing growers from Northern-Central Michigan, for a term commencing June 24, 2004 and expiring November 13, 2006.

Mr. Dino Rigoni of 89399 Celery Center Road, Decatur, Michigan 49045, county of Van Buren, reappointed to represent growers from Southwest Michigan, for a term expiring November 13, 2006.

June 24, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 18103 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18103:

**Michigan Board of Counseling**

Ms. Suzanne M. Hobson of 7381 Roxbury Drive, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding John S. Geisler, whose term expires on June 30, 2004, representing individuals engaged primarily in teaching, training, or research in counseling, for a term commencing July 1, 2004 and expiring June 30, 2008.

Mr. Stuart G. Itzkowitz of 665 Bedford Lane, Grosse Pointe Park, Michigan 48230, county of Wayne, succeeding John Rinke, whose term has expired, representing individuals engaged primarily in providing counseling techniques, behavior modification techniques, or preventative techniques to clients, for a term commencing June 24, 2004 and expiring June 30, 2007.

Ms. Delila L. Owens, Ph.D., of 1132 Weber Drive, Apt. 8, Lansing, Michigan 48912, county of Ingham, succeeding Linda Michaels, whose term has expired, representing individuals engaged primarily in providing counseling techniques, behavior modification techniques, or preventative techniques to clients, for a term commencing June 24, 2004 and expiring June 30, 2007.

Ms. Harriet A. Singleton of 5536 Stowehill Drive, SE, Kentwood, Michigan 49508, county of Kent, succeeding Jack Cloud, whose term expires on June 30, 2004, representing individuals engaged primarily in providing counseling

techniques, behavior modification techniques, or preventative techniques to clients, for a term commencing July 1, 2004 and expiring June 30, 2008.

Ms. Robbie J. Steward of 4418 Calgary Boulevard, Okemos, Michigan 48864, county of Ingham, succeeding Richard Sinacola, who has resigned, representing individuals engaged primarily in teaching, training, or research in counseling, for a term commencing June 24, 2004 and expiring June 30, 2005.

June 24, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Dairy Marketing Program Committee**

Mr. Wayne U. Bancroft of 5150 Miller Road, Buckley, Michigan 49620, county of Grand Traverse, succeeding Francis J. Engler, whose term has expired, representing the Michigan Milk Producers Association, for a term commencing June 24, 2004 and expiring December 31, 2006.

Mr. Daniel M. Javor of 4351 Messer Road, Hastings, Michigan 49058, county of Barry, succeeding Kenneth Nobis, whose term has expired, representing the Michigan Milk Producers Association, for a term commencing June 24, 2004 and expiring December 31, 2006.

Mr. Carl G. Kline of 9418 Barker Road, White Pigeon, Michigan 49099, county of St. Joseph, reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2006.

Mr. Gerald A. Neyer of 1455 East Walton Road, Shepherd, Michigan 48883, county of Isabella, reappointed to represent the Michigan Farm Bureau, for a term expiring December 31, 2006.

Mr. John H. Pell of 3547 Fitzgerald, Fremont, Michigan 49412, county of Newaygo, reappointed to represent Independent Milk Cooperatives, for a term expiring December 31, 2006.

June 24, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

**Michigan Onion Marketing Program Committee**

Mr. Eric J. Schreur of 6314 Rushview Drive, Hudsonville, Michigan 49426, county of Ottawa, succeeding Calvin Van Singel, who has resigned, representing growers at-large, for a term commencing June 24, 2004 and expiring August 16, 2004 and reappointed, for a term commencing August 17, 2004 and expiring August 16, 2007.

Mr. Bruce J. Klamer of 9850 Brin Point Court, Byron Center, Michigan 49315, county of Kent, reappointed to represent growers at-large, for a term expiring August 16, 2006.

Mr. Gregg J. Krikke of 77460 55th Street, Decatur, Michigan 49045, county of Van Buren, reappointed to represent growers at-large, for a term expiring August 16, 2006.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

LABOR; YOUTH EMPLOYMENT STANDARDS;  
REVISE MAXIMUM NUMBER OF HOURS

June 28, 2004

Today I have vetoed and return with my objections Enrolled Senate Bill 320, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

I believe that education should be the first priority of Michigan teenagers. In an attempt to assure that young people concentrate on school, and do not spend too much time in the workplace distracted from schoolwork, the Youth Employment Standards Act prevents 16- and 17-year old students from spending more than a combined 48 hours per week in school or on the job. As most Michigan students attend school about 30 hours per week, they legally may not work more than 18 hours.

But under Senate Bill 320 these employment standards would be relaxed, allowing high school students to work up to 22 hours per week regardless of the amount of time they spend in school. While I support efforts to reduce

administrative burdens for employers, I am concerned that increased hours in the workplace for students will lead to decreased performance in the classroom and on standardized tests.

Michigan's economy doesn't just need more workers. To prosper and grow, our state needs better educated workers. Now is not the time to lower standards that encourage our young people to focus on school.

Therefore, I return Enrolled Senate Bill 320 without signature.

Respectfully,  
Jennifer M. Granholm  
Governor

This bill was returned from the Governor on June 28, 2004, at 2:39 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

### 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. 831**

**Senate Bill No. 832**

**Senate Bill No. 1167**

The motion prevailed.

#### **Senate Bill No. 874, entitled**

A bill to amend 1998 PA 492, entitled "An act to authorize the state administrative board to convey certain parcels of state owned property in Oakland county and Genesee county; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; to prescribe conditions for the conveyances; and to provide for disposition of the revenue derived from the conveyances; and to alter certain use restrictions," by amending section 3.

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

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

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

### Third Reading of Bills

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

**House Bill No. 5647**

**House Bill No. 5674**

**House Bill No. 5716**

**House Bill No. 5928**

**House Bill No. 5932**

**Senate Bill No. 1241**

**Senate Bill No. 1114**

The motion prevailed.

The following bill was read a third time:

#### **House Bill No. 5647, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 3 of chapter XI (MCL 771.1 and 771.3), section 1 as amended by 2002 PA 666 and section 3 as amended by 2003 PA 101.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 8, following line 23, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2005." and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

**Roll Call No. 466****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	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom

**Nays—0****Excused—2**

Clark-Coleman                      Toy

**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. 5674, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 4a, 16a, and 31 of chapter IX and section 56 of chapter XVII (MCL 769.4a, 769.16a, 769.31, and 777.56), 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, and section 56 of chapter XVII as added by 1998 PA 317.



The question being on the passage of the bill,  
Senator Cropsey offered the following amendment:

1. Amend page 11, following line 6, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2005.” and renumbering the remaining enacting section.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5716, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 6 and 18 of chapter XIIA (MCL 712A.6 and 712A.18), section 6 as amended by 1996 PA 409 and section 18 as amended by 2004 PA 102.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 15, following line 25, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2005.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

**Roll Call No. 467**

**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	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Clark-Coleman	Toy
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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 revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe

pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5928, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 350a and 430 (MCL 750.350a and 750.430), section 350a as amended by 1996 PA 14 and section 430 as amended by 2003 PA 235.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 7, following line 5, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2005.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

**Roll Call No. 468**

**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	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Clark-Coleman                      Toy

**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. 5932, entitled**

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” by amending section 3 (MCL 28.243), as amended by 2002 PA 694.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 8, following line 11, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2005.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

**Roll Call No. 469**

**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	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Clark-Coleman                      Toy

**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. 1241, entitled**

A bill to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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. 470****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	Thomas
Cassisi	Hammerstrom	Patterson	Van Woerkom

**Nays—0****Excused—2**

Clark-Coleman                      Toy

**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. 1114, entitled**

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes; and to prescribe penalties and provide remedies.

The question being on the passage of the bill,

Senator George offered the following amendment:

1. Amend page 8, line 8, after “is” by inserting “responsible for a state civil infraction and is”.

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

The question being on the passage of the bill,

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

**Roll Call No. 471****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	Thomas
Cassisi	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Clark-Coleman Toy

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.  
Senators Olshove and Cherry moved that they be named co-sponsors of the bill.  
The motion prevailed.

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

**House Bill No. 5674, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 4a, 16a, and 31 of chapter IX and section 56 of chapter XVII (MCL 769.4a, 769.16a, 769.31, and 777.56), 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, and section 56 of chapter XVII as added by 1998 PA 317.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 1271.)

The question being on the adoption of the amendment offered by Senator Cropsey,  
The amendment was adopted, a majority of the members serving voting therefor.

Senator Cropsey offered the following amendment:

1. Amend page 4, line 18, after “**section**” by striking out “**1076(4)**” and inserting “**1076(5)**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 472**

**Yeas—35**

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	Van Woerkom
Cassisi	Hammerstrom	Prusi	

**Nays—0**

**Excused—2**

Clark-Coleman Toy

**Not Voting—1**

Johnson

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.

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

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**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 bill 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. 143, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 4w. 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. 184, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 4w. Substitute (S-1).

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

1. Amend page 2, line 5, by striking out all of subparagraph (iii) and renumbering the remaining subparagraphs.
2. Amend page 2, line 14, by striking out all of subparagraph (v) and renumbering the remaining subparagraphs.

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. 1001, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.  
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. 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.  
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. 5463, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.  
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. 5653, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.  
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. 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.  
Substitute (S-1).

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

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

1. Amend page 13, line 12, by striking out "**January 1, 2004**" and inserting "**July 1, 2004**".
2. Amend page 16, line 26, after "**after**" by striking out "**January 1, 2004**" and inserting "**July 1, 2004**".
3. Amend page 39, following line 4, by inserting:  
"Enacting section 1. This amendatory act takes effect July 1, 2004."

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. 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.  
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. 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.

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. 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.

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. 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 2003 PA 234 and section 17763 as amended by 1997 PA 153.

Substitute (S-2).

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

1. Amend page 14, line 13, after the first "or" by striking out "seriously impair" and inserting "to cause serious impairment of".

2. Amend page 14, line 17, after "\$40,000.00." by inserting "It is not a defense to a charge under this subsection that the person did not intend to kill a specific individual, or did not intend to cause serious impairment of a body function of 2 or more specific individuals."

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. 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.

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. 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.

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. 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.

Substitute (S-1).

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

1. Amend page 3, line 10, after "750.212a," by inserting "or section 17764(7) of the public health code, 1978 PA 368, MCL 333.17764,".

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.



### Resolutions

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

**Senate Resolution No. 241**

**Senate Concurrent Resolution No. 40**

The motion prevailed.

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

**Senate Resolution No. 278**

The resolution consent calendar was adopted.

Senators Scott, Brater, Clark-Coleman, Prusi, Bernero, Jacobs, Clarke, Switalski, Basham, Bishop, Barcia, Cherry, Birkholz, Leland, Schauer, Cropsey, McManus, Van Woerkom, Stamas, Hardiman, Brown, Gilbert, Johnson, Cassis, Olshove, Emerson, Thomas, Garcia, Sikkema, George and Goschka offered the following resolution:

**Senate Resolution No. 278.**

A resolution in support of the Michigan Policy Academy on Homeless Families and Children and Homeless Awareness Week.

Whereas, Tens of thousands of people on any given day are homeless in Michigan. Statewide there are more than 750 providers of shelter and other services that offer help to homeless families and individuals. Unfortunately, the demand for these services far exceeds what is available, and many families, including thousands of children, are forced to take refuge in cars, campsites, abandoned buildings, and many other unsuitable places; and

Whereas, Homelessness affects every community in Michigan—all age groups, all racial and ethnic groups, and families with children as well as individuals. The number of homeless families with children has continued to climb over the last ten years, making children the fastest growing group of people experiencing homelessness. In fact, today, the average age of a homeless person in the United States is nine years old; and

Whereas, In recognition of the magnitude of these challenges for Michigan families, Governor Jennifer M. Granholm has convened a statewide policy leadership team on housing and homelessness to develop a strategic plan for ending homelessness in Michigan over the coming decade, with a special emphasis on increasing access to housing and mainstream services for homeless individuals, families, and children; and

Whereas, The policy leadership team of the Michigan Policy Academy on Homeless Families and Children has established a vision that “All Michigan children and families live with dignity and thrive in safe, affordable, and sustainable homes in supportive communities”; and

Whereas, The academy seeks the support and assistance of the Michigan Legislature in its efforts. It encourages every Michigan citizen to recognize its challenging work to end homelessness in this state by showing support for homeless families and children, particularly during Homeless Awareness Week to be recognized in Michigan as November 14-20, 2004; now, therefore, be it

Resolved by the Senate, That we support and commend all work group participants of the Michigan Policy Academy on Homeless Families and Children for their important contributions, and we encourage all citizens to get involved with local efforts to highlight the plight of homeless families and children during Homeless Awareness Week; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Policy Academy on Homeless Families and Children as evidence of our esteem for its leadership and service in helping to end homelessness in the state of Michigan.

Senator Toy was named co-sponsor of the resolution.

Senators Van Woerkom, Jelinek and Brown offered the following resolution:

**Senate Resolution No. 279.**

A resolution to memorialize the Congress of the United States to enact the Specialty Crop Competitiveness Act.

Whereas, In 2001, Congress provided for a specialty crop block grant program to address difficult circumstances in specialty crop segments of American agriculture. Through this single-year program, states, including Michigan, administered grants that helped specialty crop producers, processors, and commodity organizations conduct research, revamp marketing and promotion, and improve inspection efforts; and

Whereas, The specialty crop block grant program, which is distinct from traditional farm assistance programs, was successful, especially in Michigan, in fostering improvement in the competitiveness of many crop areas through a focus on specific projects. The program’s impact on Michigan agriculture was widespread; and

Whereas, Congress has before it a measure that would authorize a permanent specialty crop block grant program. The Specialty Crop Competitiveness Act, H.R. 3242, would be a most effective way to increase the competitiveness of

American agriculture in our fast-changing global economy. With the great diversity of Michigan's farms, our state has a major stake in this legislation; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Specialty Crop Competitiveness Act; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Agriculture, Forestry and Tourism. The motion prevailed.

Senators Allen, Barcia, Cropsey, Goschka and Kuipers were named co-sponsors of the resolution.

Senators Van Woerkom, Jelinek and Brown offered the following resolution:

**Senate Resolution No. 280.**

A resolution to express support for the mission of Rural Partners of Michigan and calling for increased investment in this work.

Whereas, Due to changes in technology, the global marketplace, and society, farm life and rural communities in Michigan and throughout the country are facing unprecedented challenges. Rural life today projects a far different profile than was the case for those who lived in rural areas only a few decades ago; and

Whereas, In 1980, Congress enacted the Rural Development Policy Act. Michigan took actions to implement this idea through a rural partnership program and the creation of a nonprofit organization to address such key issues as the infrastructure, rural health problems, water-related matters, economic development, land use, and a host of other policy challenges. Rural Partners of Michigan was formed and became a focused mechanism to ensure that the rural voice was heard, especially in the halls of government; and

Whereas, The framework of rural private-public partnerships to facilitate collaboration, encourage input, and reduce and eliminate duplicative governmental regulations remains as important as ever to the vitality of rural life in Michigan. The state's policymakers and agriculture leaders would do well to encourage investment in Michigan rural communities through Rural Partners of Michigan; now, therefore, be it

Resolved by the Senate, That we express support for the mission of Rural Partners of Michigan and call for increased investment in this work; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Agriculture, the Michigan Economic Development Corporation, the Office of the Governor, and the USDA Michigan State Director.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Agriculture, Forestry and Tourism. The motion prevailed.

Senators Allen, Barcia, Cropsey, Goschka, Kuipers and Prusi were named co-sponsors of the resolution.

**Senate Concurrent Resolution No. 41.**

A concurrent resolution to urge the Department of Environmental Quality and the Office of the Great Lakes to request federal funding under the Great Lakes Legacy Act for the dredging of canals around the city of Gibraltar.

(For text of resolution, see Senate Journal No. 33, p. 526.)

The House of Representatives has adopted the concurrent resolution and named Reps. Anderson, Caul, Clack, Ehardt, Farrah, Jamnick, LaJoy, Law, Lipsey, Meyer, Milosch, Stallworth, Tabor, Tobocman and Voorhees as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

### Introduction and Referral of Bills

Senators Johnson, Jelinek, Switalski, Jacobs, Clarke, Emerson and McManus introduced

**Senate Bill No. 1323, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11 and 18 (MCL 432.11 and 432.18), section 11 as amended by 1996 PA 167.

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

Senators Kuipers, Sikkema, Emerson, Johnson, McManus, Birkholz and Leland introduced  
**Senate Bill No. 1324, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as amended by 2002 PA 616.

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

Senators Cherry, Clark-Coleman, Jacobs, Olshove, Allen, Kuipers, Barcia, Patterson, Toy, Schauer and Bernero introduced

**Senate Bill No. 1325, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 2002 PA 192.

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

Senators Schauer, Goschka, Cherry and Basham introduced

**Senate Bill No. 1326, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2000 PA 309.

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

Senators George, Jelinek, Goschka, Birkholz, Van Woerkom, Jacobs, Hardiman, Brater, Cherry and Allen introduced  
**Senate Bill No. 1327, entitled**

A bill to prohibit the issuance and use of false academic credentials; to prohibit false claims concerning academic credentials; to provide for the powers and duties of certain state officials; and to prescribe civil sanctions.

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

Senator Cropsey introduced

**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.

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

**House Bill No. 5364, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 240, 252a, 252b, 252c, 252d, 252e, 252f, 252g, and 907 (MCL 257.240, 257.252a, 257.252b, 257.252c, 257.252d, 257.252e, 257.252f, 257.252g, and 257.907), section 240 as amended by 1999 PA 267, section 252a as amended by 2002 PA 649, sections 252b and 252c as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, section 252d as amended by 2000 PA 76, and section 907 as amended by 2004 PA 62, and by adding sections 252h, 252i, 252j, 252k, and 252l.

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

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

**House Bill No. 5874, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16648 (MCL 333.16648), as amended by 1998 PA 496.

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

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

**House Bill No. 5881, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 9 (MCL 431.309), as amended by 2000 PA 164.

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. 5894, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending sections 6 and 10 (MCL 338.976 and 338.980), section 10 as amended by 1997 PA 119.

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. 5914, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40116 (MCL 324.40116), as amended by 1996 PA 154.

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

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

**House Bill No. 5958, entitled**

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

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

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

**House Bill No. 5959, entitled**

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

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

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

**House Bill No. 5960, entitled**

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

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

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

**House Bill No. 6021, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766 (MCL 333.17766), as amended by 1990 PA 30, and by adding section 17766d.

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

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

**House Bill No. 6025, entitled**

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

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. 6026, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

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. 6027, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37h. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

**Statements**

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

The motion prevailed.

Senator Scott's statement is as follows:

Although my fight for insurance reform focuses largely on the unfair practice of solely using a person's zip code in determining auto and homeowners insurance, I nonetheless welcome the efforts of our Governor and insurance commissioner to ban the use of credit scoring in determining insurance premiums.

I read with interest recently an article on the front page of the Lansing local paper that reported 1 in 4 credit reports are incorrect. This statistic is alarming in that thousands of citizens are disqualified from buying a home, opening a bank account, or getting a job, not to mention what it means to consumers when their insurance agents calculate their insurance premium and doesn't allow a discount for good credit.

In the survey, 197 credit reports were collected from people in 30 states. Seventy-nine percent had some form of error; another 54 percent included personal information that was either misspelled, outdated, or belonged to someone else. Thirty percent contained open credit accounts that should have been closed. Given the consequences of these statistics, it is extremely important for Michigan's consumers to thoroughly examine their credit reports for accuracy.

Again, my focus remains with my constituents and working on their behalf in bringing them some relief with respect to their homeowners and auto insurance rates. I welcome all of the support and assistance that I can get, and I ask that you please join me in this important public policy debate.

Senators Scott and Hammerstrom stated that had they been present on June 24 when the votes were taken on concurring in the House amendments and substitutes to the following bills, they would have voted "yea":

**House Bill No. 5632**

**Senate Bill No. 1135**

**Senate Bill No. 1240**

**House Bill No. 5589**

Senators Scott and Hammerstrom stated that had they been present on June 24 when the votes were taken on the passage of the following bills, they would have voted "yea":

**House Bill No. 5742**

**House Bill No. 5743**

**Senate Bill No. 1302**

**Senate Bill No. 1303**

**Senate Bill No. 1304**

**Senate Bill No. 1305**

**Senate Bill No. 1274**

Senator Garcia stated that had he been present on June 24 when the vote was taken on concurring in the House amendments to the following bill, he would have voted "nay":

**House Bill No. 5632**

Senator Garcia stated that had he been present on June 24 when the votes were taken on concurring in the House amendments and substitutes to the following bills, he would have voted "yea":

**Senate Bill No. 1135**

**Senate Bill No. 1240**

**House Bill No. 5589**

Senator Garcia stated that had he been present on June 24 when the votes were taken on the passage of the following bills, he would have voted "yea":

**House Bill No. 5742**

**House Bill No. 5743**

**Senate Bill No. 1274**

**Senate Bill No. 1302**  
**Senate Bill No. 1303**  
**Senate Bill No. 1304**

### Committee Reports

The Committee on Health Policy reported

**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.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Resolution No. 261.**

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

(For text of resolution, see Senate Journal No. 47, p. 856.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

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

Whereas, While all losses to cancer are heartbreaking, deaths due to forms of cancer that could be prevented through early detection and treatment are especially frustrating to all of us. Cervical cancer is a disease that continues to take the lives of thousands of women each year, even as screening capabilities are such that virtually all of the deaths could be prevented; and

Whereas, Studies indicate that approximately half of all women diagnosed with cervical cancer have never been screened, and 10 percent of those diagnosed have not been screened within 5 years. Another component of this problem is that lower-income women and those without insurance are even less likely to have the examinations and screening that could save their lives; and

Whereas, A thorough and highly visible effort to provide education on the importance of regular checkups would have a significant impact on the health of our citizens. Similar high profile initiatives to increase awareness of certain diseases have been very effective in encouraging examinations and attentiveness. A task force of public officials, health professionals, and community leaders could literally help save women from cervical cancer; now, therefore, be it

Resolved by the Senate, That we urge the Governor to appoint a task force on cervical cancer awareness in Michigan. We urge that the task force consist of 13 members, including the chairs of the Senate and House health policy committees, a representative of the American Cancer Society, a representative of a health maintenance organization, a representative of the health insurance industry, a representative of the American College of Obstetrics and Gynecology, a representative of a women's health organization, an oncologist, a nurse practitioner, an epidemiologist from the

Department of Community Health, the Surgeon General or a designee, a representative of the Michigan Cancer Consortium's Cervical Cancer Action Group, and the Department of Community Health's Medical Services Administration director of Medicaid management or a designee; and be it further

Resolved, That we urge that the task force develop and promote a comprehensive statewide cervical cancer prevention plan and issue an annual report to the Legislature and the Governor on the progress of efforts to reduce cervical cancer rates in our state; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George, Bernero and Jacobs

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, June 23, 2004, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Finance reported

**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. 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.

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

**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. 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.

Nancy Cassis  
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 23, 2004, at 1:07 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

The Committee on Technology and Energy reported

**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.

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

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

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

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 Technology and Energy submitted the following:

Meeting held on Wednesday, June 23, 2004, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Toy

The Committee on Banking and Financial Institutions reported

**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.

With the recommendation that the bill pass.

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

Michael D. Bishop  
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, June 24, 2004, at 12:00 noon, Room 100, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Education reported

**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.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

**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.



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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

**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.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

Nays: None

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

The Committee on Education reported

**House Bill No. 5458, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 624 (MCL 380.624), as amended by 1995 PA 289.

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.

Wayne Kuipers  
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis, Van Woerkom, Clark-Coleman and Leland

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 Education submitted the following:

Meeting held on Thursday, June 24, 2004, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

The Committee on Agriculture, Forestry and Tourism reported

**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.

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek, Brater and Thomas

Nays: None

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

The Committee on Agriculture, Forestry and Tourism reported

**Senate Bill No. 1130, entitled**

A bill to amend 1978 PA 361, entitled "Michigan exposition and fairgrounds act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166,

285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39.

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

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

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert and Jelinek

Nays: Senators Brater and Thomas

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, June 24, 2004, at 8:30 a.m., Room 110, Farnum Building

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

#### Scheduled Meetings

**Economic Development, Small Business and Regulatory Reform** - Wednesday, June 30, 2:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Families and Human Services** - Wednesday, June 30, 3:00 p.m., Room 110, Farnum Building (373-1801)

**Finance** - Wednesday, June 30, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Wednesday, June 30, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3543)

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

**Technology and Energy** - Wednesday, June 30, 3:00 p.m. or later immediately following session, Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:22 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, June 30, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate