

**No. 50**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, May 20, 2004.

10:00 a.m.

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

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

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

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—excused  
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

Reverend Kirkland D. Hall of Galilee Baptist Church of Lansing offered the following invocation:

Our Father in Heaven, we humbly come before You, Father, giving You the praise, the honor, and the glory. We do thank You for this day.

Father, we ask You to bless our leaders in the Senate. Bless our Governor and our Lieutenant Governor, bless the Senators and Representatives, and bless the business that they are going to carry on today. Crown their heads with the wisdom and knowledge that they stand in need of.

Bless our armed services, Lord, and keep them and protect them from hurt, harm, and danger. Bless all the people in authority and leadership over us. Give them the wisdom and knowledge they stand in need of to be able to make the tough decisions that they have to make.

We shall forever give You the praise, the honor, and the glory. In Your name we pray. Amen.

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

### Motions and Communications

Senators Brater, Goschka, Emerson, Cherry, Kuipers and Basham entered the Senate Chamber.

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

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

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

Senator Cropsy 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 Cropsy moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

10:17 a.m.

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

During the recess, Senator Basham introduced representatives of the Department of Natural Resources, Michigan Sheriffs' Association, U.S. Coast Guard, U.S. Coast Guard Auxiliary, U.S. Coast Guard Belle Isle Station, and Lansing Power Squadron; and presented Senate Resolution No. 258, designating May 22-28, 2004, as Safe Boating Week.

Ken Koeppen of the U.S. Coast Guard responded briefly.

During the recess, Senators Johnson, Garcia and Prusi entered the Senate Chamber.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 19:  
**House Bill Nos. 5467 5468 5469 5470 5472 5473 5474 5737 5802 5807 5808 5843**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 20:  
**House Bill Nos. 5527 5809 5859**

The Secretary announced that the following official bills were printed on Wednesday, May 19, and are available at the legislative Web site:

**Senate Bill Nos. 1244 1245 1246 1247 1248 1249**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

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

**Senate Bill No. 977**

**Senate Bill No. 267**

**Senate Bill No. 627**

**Senate Bill No. 628**

**Senate Bill No. 661**

**Senate Bill No. 662**

**Senate Bill No. 981**

**Senate Bill No. 987**

The motion prevailed.

Senator Barcia entered the Senate Chamber.

**Senate Bill No. 559, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2002 PA 725.

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

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

Senator Cropsey moved that the bill be given immediate effect.

The question being on the motion to give the bill immediate effect,

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

The motion prevailed.

**Senate Bill No. 724, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

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

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

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

The motion prevailed.

**Senate Bill No. 1073, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 1995 PA 289.

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

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

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

The motion prevailed.

**Senate Bill No. 1116, entitled**

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

The House of Representatives has amended the bill as follows:

1. Amend page 8, line 11, after "**deduct**" by inserting a comma and "**to the extent included in federal taxable income**,".

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

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

**Third Reading of Bills**

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

**Senate Bill No. 918**

**House Bill No. 5692**

**House Bill No. 5693**

**House Bill No. 5134**

**Senate Bill No. 1025**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 918, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539j.

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. 310****Yeas—36**

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

**Nays—0****Excused—2**

Hammerstrom

Toy

**Not Voting—0**

In The Chair: President

Senator Cropsey moved to reconsider the vote by which the bill was passed. The motion prevailed, a majority of the members serving voting therefor. The question being on the passage of the bill, Senator Sanborn offered the following amendment:

1. Amend page 2, following line 19, by inserting:

“(3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate subsection (1)(a) to (c).

(4) This section does not prohibit security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose.” and renumbering the remaining subsection.

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. 311**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hammerstrom	Toy
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5692, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 539d (MCL 750.539d).

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 2, following line 23, by inserting:

“(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate subsection (1)(a) or (b).”.

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. 312****Yeas—36**

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

**Nays—0****Excused—2**

Hammerstrom                      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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The question being on the motion to give the bill immediate effect, Senator Cropsey moved that further consideration of the bill be postponed for today. The motion prevailed.

The following bill was read a third time:

**House Bill No. 5693, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 2.

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. 313****Yeas—36**

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

**Nays—0**

**Excused—2**

Hammerstrom

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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The question being on the motion to give the bill immediate effect, Senator Cropsey moved that further consideration of the bill be postponed for today. The motion prevailed.

The following bill was read a third time:

**House Bill No. 5134, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276.

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. 314****Yeas—36**

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

**Nays—0****Excused—2**

Hammerstrom

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 not concurred in, 2/3 of the members serving not voting therefor. Senator Cropsey moved that the bill be given immediate effect. The question being on the motion to give the bill immediate effect, Senator Cropsey moved that further consideration of the bill be postponed for today. The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1025, entitled**

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

The 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. 315**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hammerstrom	Toy
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Cropsey 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 Scott 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 with a substitute therefor, the following bill:

**Senate Bill No. 736, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

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.



By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

Senator Jacobs introduced  
**Senate Bill No. 1251, entitled**

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

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

Senators Switalski, Cropsey, Bernero, Prusi, Schauer, Brater, Jacobs and Garcia introduced  
**Senate Bill No. 1252, entitled**

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

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

**House Bill No. 5467, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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 Families and Human Services.

**House Bill No. 5468, entitled**

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

The 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 Families and Human Services.

**House Bill No. 5469, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

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 Families and Human Services.

**House Bill No. 5470, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding sections 5 and 5a.

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 Families and Human Services.

**House Bill No. 5472, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 45 (MCL 552.45).

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 Families and Human Services.

**House Bill No. 5473, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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

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

**House Bill No. 5474, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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 Families and Human Services.

**House Bill No. 5527, entitled**

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

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

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

**House Bill No. 5737, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 7 (MCL 207.557), as amended by 1996 PA 513.

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. 5802, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

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. 5807, entitled**

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein," by amending section 3 (MCL 486.253) and by adding section 5.

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 Technology and Energy.

**House Bill No. 5808, entitled**

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

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 Technology and Energy.

**House Bill No. 5809, entitled**

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

The 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 Commerce and Labor.

**House Bill No. 5843, 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 6 (MCL 41.806), as amended by 1989 PA 81.

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 Local, Urban and State Affairs.

**House Bill No. 5859, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

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 Banking and Financial Institutions.

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Today, I had on my desk a blueback that involved a subject matter none other than insurance reform. The bill would require insurers to provide specific data and information to the Office of Financial and Insurance Services. Information such as the number of claims for benefits for which payment is made and the average time for processing the claims; the number of claims for benefits that are closed without payment and the average time for processing the claims; and information on the number of claims for benefits that involve some form of litigation.

This collection of data on claims experience will be helpful to the OFIS commissioner in making sure that insurers are in compliance and that they are dealing fairly and in good faith. Of equal importance, this information and data will also be helpful to consumers as they shop around for auto and homeowners insurance.

I am delighted that many of you saw the benefit of co-sponsoring this legislation.

Well, this morning before coming over to session, I had a call from a gentleman from Traverse City commending me for my efforts toward insurance reform and offering any assistance he might be able to offer in bringing about some necessary changes in the insurance industry, including credit scoring, the MCCA process, and the big issue of rate disparity. This is just another example of the outcry from citizens all across this state looking for some meaningful and immediate reform in our state's insurance system.

Senator Johnson's statement is as follows:

I rise reluctantly, but I do have a statement that I do believe and sincerely believe needs to be made.

A director of a department is the representative of that department and is a representative of the Governor of the state of Michigan. I've been here for 23 years, and I have worked with and for directors of various departments. When I first arrived and first began to serve on appropriations, Democrat members of the House taught me one thing. You are as good as your word around here, and your word is your bond. You have every right to change your mind; you can make mistakes, but you own up to them.

Actually, I'm pretty upset about this because the director of transportation has gone around this state—she and her staff—and not only misrepresented me, but lied about me. Misrepresentation is a modest word; it's lies. Not only lies about me, but lies about legislation that I have introduced—written on a piece of paper, clear as can be, that anybody can read and interpret, but lied in order to get ink I guess. In order to put pressure I guess. Well, it's not going to work, and I would suggest, Mr. President, that the administration sit down with that woman and talk clearly to her and let her know that it is my role to ask questions, and it is her role to respond to those questions. I have an obligation; she has an obligation. It is to the taxpayers of this state.

### Committee Reports

The Committee on Judiciary reported

**House Bill No. 5381, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 28.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5589, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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

1. Amend page 2, line 24, after "**and**" by striking out the balance of the line through "**neglect.**" on line 25 and inserting "**the specific complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant**".

2. Amend page 8, following line 6, by inserting:

**"(17) All department employees involved in investigation child abuse or child neglect cases shall be trained in their legal duties to protect the constitutional and statutory rights of children and families from the initial contact of an investigation through the time services are provided."**

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

Alan L. Cropsey  
Chairperson

To Report Out:

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

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 18, 2004, at 1:00 p.m., Room 210, Farnum Building

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

The Committee on Families and Human Services reported

**House Bill No. 4768, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4013, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4769, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115b, 115f, 115g, and 117e (MCL 400.115b, 400.115f, 400.115g, and 400.117e), section 115b as amended by 1998 PA 516, sections 115f and 115g as amended by 2002 PA 648, and section 117e as amended by 1983 PA 222.

With the recommendation that the bill pass.

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

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families and Human Services reported

**House Bill No. 4770, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2002 PA 564, and by adding section 6a.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4771, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2002 PA 605.

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.

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4772, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 7, 13, 27, and 35 (MCL 552.607, 552.613, 552.627, and 552.635), section 7 as amended by 2002 PA 572, section 13 as amended by 1998 PA 334, section 27 as amended by 2001 PA 106, and section 35 as amended by 2002 PA 567.

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.

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4773, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 17, 17b, and 19 (MCL 552.517, 552.517b, and 552.519), sections 17 and 17b as amended by 2002 PA 571 and section 19 as amended by 2002 PA 569.

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.

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4774, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2 and 3a (MCL 552.602 and 552.603a), as amended by 2002 PA 572, and by adding section 3d.

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.

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4775, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 7 (MCL 722.717), as amended by 2001 PA 109.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

**House Bill No. 4776, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 7, and 19 (MCL 552.502, 552.507, and 552.519), section 2 as amended by 2002 PA 571, section 7 as amended by 1996 PA 144, and section 19 as amended by 2002 PA 569, and by adding section 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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Sanborn, Jacobs and Clark-Coleman

Nays: Senator Hammerstrom

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

The Committee on Families and Human Services reported

**House Bill No. 4792, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 5e.

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.

Bill Hardiman  
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

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 Families and Human Services submitted the following:

Meeting held on Tuesday, May 18, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 5586, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 90, and by adding section 3111b; and to repeal acts and parts of acts.

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.

Patricia L. Birkholz  
Chairperson

## To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, May 18, 2004, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Senior Citizens and Veterans Affairs reported

**Senate Concurrent Resolution No. 30.**

A concurrent resolution to urge the United States Department of Homeland Security to locate its Midwest regional training facility in Alpena and Grayling, Michigan.

(For text of resolution, see Senate Journal No. 71 of 2003, p. 1597.)

With the recommendation that the concurrent resolution be adopted.

Laura M. Toy  
Chairperson

## To Report Out:

Yeas: Senators Stamas, Clark-Coleman and Olshove

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Senior Citizens and Veterans Affairs reported

**Senate Concurrent Resolution No. 43.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the closure of the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw.

(For text of resolution, see Senate Journal No. 40, p. 723.)

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

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the closure of or realignment of inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw.

Whereas, The network of Veterans Affairs Medical Centers throughout the country represents an effort to fulfill our nation's commitment to those who have defended our country in times of peril. In Michigan, 130,000 veterans rely on the services and benefits of the health care available through the Department of Veterans Affairs. Of this number, 60,000 veterans in the mid-Michigan region rely upon the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw; and

Whereas, The Capital Asset Realignment for Enhanced Services initiative has included among its recommendations a realignment of services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw. Under the plan, the Lutz Medical Center would be one of eight to eliminate inpatient services; and

Whereas, Eliminating inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw would be a serious blow to Michigan's veterans. Already, veterans in need of medical service in Saginaw travel great distances, from as far away as the Mackinac Bridge. A veteran from Mackinaw City, for example, would now have an extra four hours added to the already long trek to get to and from the facility in Ann Arbor. In poor weather, the distance would present a genuine impediment for many veterans and their families; and

Whereas, The veterans seeking care through Veterans Affairs facilities have every right to expect that these promised services are available with as little inconvenience as possible. As a new generation of brave veterans faces the possibility of needing care through a Veterans Affairs medial facility, we should not be making it even more difficult for a veteran to receive the level of care promised; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to prohibit the closure of or realignment of inpatient services at the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Veteran Affairs, the Aleda E. Lutz Medical Center in Saginaw, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Laura M. Toy  
Chairperson



**To Report Out:**

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

Nays: None

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

The Committee on Senior Citizens and Veterans Affairs reported

**Senate Resolution No. 248.**

A resolution honoring the 60th Anniversary of D-Day and the Allied invasion of Europe.

(For text of resolution, see Senate Journal No. 42, p. 760.)

With the recommendation that the resolution be adopted.

Laura M. Toy  
Chairperson

**To Report Out:**

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

Nays: None

The resolution was placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Wednesday, May 19, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Stamas, Gilbert, Clark-Coleman and Olshove

Excused: Senator Toy (C)

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Transportation submitted the following:

Meeting held on Tuesday, May 18, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C) Stamas and Barcia

**COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, May 18, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, Schauer and Olshove

Excused: Senator McManus

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, May 19, 2004, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

**Scheduled Meetings**

**Appropriations** - Tuesday, May 25, 2:00 p.m., and Wednesday, May 26, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittee -**

**Family Independence Agency** - Tuesday, May 25, 8:30 a.m., Room 210, Farnum Building (373-1801)

**Commerce and Labor** - Tuesday, May 25, 3:00 p.m., Room 100, Farnum Building (373-2413)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 11:01 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 25, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate