

No. 102
STATE OF MICHIGAN
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REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, November 10, 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—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

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

Senator Nancy Cassis of the 15th District offered the following invocation:

Almighty God, we come together before Your eyes and under Your care—entrusted with a charge. We humbly seek Your direction and blessing.

Lord, we beseech You to bring peace to an embattled world. Shield our troops and protect them from harm. Bring them home safe to their loved ones and a grateful nation.

Guide our leaders. Endow their minds with wisdom, and fill their hearts with kindness and vigilance. You have lead our nation into a new journey—a new burst of freedom and democracy. Bring us together in harmony and healing. Cleanse our hearts from any anger, false pride, arrogance, jealousies, and boastfulness. Grant us the courage to use our words with care—mindful of the feelings of others.

Lift us up to be worthy of Your grace. Prepare our hearts to conduct ourselves with integrity, trust, respectfulness, and humility. Watch over our loved ones.

Bless this Senate and this Legislature. We do Your work under the shadow of Your wings. Amen.

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

Motions and Communications

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

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

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

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

10:14 a.m.

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

During the recess, Senator George introduced Alvin VanderKolk, longest-serving Capitol docent, and presented him with a Special Tribute.

Mr. VanderKolk responded briefly.

During the recess, Senators Brater, Leland, Bishop, Johnson, Sikkema, Barcia, Bernero, Van Woerkom, Emerson and Garcia entered the Senate Chamber.

Senator Hammerstrom moved that Senator Birkholz be temporarily excused from today's session.

The motion prevailed.

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

Senate Bill No. 1434

Senate Bill No. 1463

House Bill No. 6173

House Bill No. 6174

House Bill No. 6177

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

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

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

Senator Birkholz entered the Senate Chamber.

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

Senate Bill No. 1447

Senate Bill No. 1448

Senate Bill No. 1449

Senate Bill No. 1450

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 9:
House Bill Nos. 5949 6012 6013 6014 6015 6016 6213 6214

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, November 9, for her approval the following bill:

Enrolled Senate Bill No. 953 at 3:42 p.m.

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

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

House Bill No. 4206

The motion prevailed.

Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

The House of Representatives has appointed Rep. Whitmer to replace Rep. Brown as conferee.

The message was referred to the Secretary for record.

Senate Bill No. 955, entitled

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The House of Representatives has concurred in the Senate amendments to the House amendments.

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

Senate Bill No. 1149, entitled

A bill to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator Hammerstrom moved that the rule be suspended.
 The motion prevailed, a majority of the members serving voting therefor.
 The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 763**Yeas—36**

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

Nays—0**Excused—2**

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

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 Basham as Chairperson.

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

House Bill No. 6169, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 14h and 16o of chapter XVII (MCL 777.14h and 777.16o), section 14h as amended by 2003 PA 134 and section 16o as amended by 2000 PA 389.

Senate Bill No. 1463, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

House Bill No. 6174, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

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

Senate Bill No. 1434, entitled

A bill to allow the state to acquire and convey land in Otsego county.

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. 6173, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," (MCL 780.751 to 780.834) by adding sections 4a, 33b, and 64a.

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 amendments, the following bill:

House Bill No. 6177, entitled

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

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

1. Amend page 1, line 3, after "**photograph**," by striking out the balance of the line through "**transmit**" on line 4 and inserting "**or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means**,".

2. Amend page 1, following line 9, by inserting:

"(3) This section does not apply to a peace officer of this state, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties.

(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 this section." and renumbering the remaining subsections.

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:

Senate Bill No. 1447, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g, 552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

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. 1448, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 24b.

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. 1449, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 418. 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. 1450, entitled

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

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. 4358, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 724 (MCL 257.719 and 257.724), section 719 as amended by 2003 PA 142 and section 724 as amended by 1988 PA 346, and by adding section 724a.

Substitute (S-1).

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

1. Amend page 3, line 5, after the first "**dumping**" by striking out "**loose**" and inserting "**construction**".
2. Amend page 3, line 5, after the second "**dumping**" by striking out "**loose**" and inserting "**construction**".

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.

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

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4358

House Bill No. 6169

Senate Bill No. 1434

Senate Bill No. 1463

House Bill No. 6173

House Bill No. 6174

House Bill No. 6177

Senate Bill No. 1447

Senate Bill No. 1448

Senate Bill No. 1449

Senate Bill No. 1450

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

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

Senate Bill No. 1185

House Bill No. 5529

House Bill No. 5843

Senate Bill No. 1341

Senate Bill No. 1416

Senate Bill No. 1464

Senate Bill No. 1465

Senate Bill No. 1466

Senate Bill No. 1467

- Senate Bill No. 1468
 - Senate Bill No. 1469
 - Senate Bill No. 1470
 - Senate Bill No. 1471
 - Senate Bill No. 1472
 - Senate Bill No. 683
 - Senate Bill No. 684
 - Senate Bill No. 685
 - Senate Bill No. 686
 - Senate Bill No. 1153
 - Senate Bill No. 1154
 - Senate Bill No. 1155
 - Senate Bill No. 1156
 - Senate Bill No. 1157
 - House Bill No. 5457
 - House Bill No. 5475
 - House Bill No. 5627
 - House Bill No. 5839
 - House Bill No. 5850
 - House Bill No. 5851
 - House Bill No. 5921
 - House Bill No. 4358
 - Senate Bill No. 1453
 - House Bill No. 6169
 - Senate Bill No. 1434
 - Senate Bill No. 1463
 - House Bill No. 6173
 - House Bill No. 6174
 - House Bill No. 6177
 - Senate Bill No. 1447
 - Senate Bill No. 1448
 - Senate Bill No. 1449
 - Senate Bill No. 1450
- The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1185, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

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. 764

Yeas—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Nays—14

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott

Bernero
Brater

Clarke
Emerson

Prusi

Switalski

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5529, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ingham county and Kent county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies with regard to the conveyances; and to provide for disposition of the revenue from the conveyances.

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. 765

Yeas—35

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka

Hammerstrom
Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Patterson

Prusi
Schauer
Scott
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—1

Sanborn

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

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 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. 766

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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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. The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1341, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

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. 767**Yeas—35**

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

Nays—0**Excused—2**

Olshove	Thomas
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Not Voting—1

Clarke

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1416, entitled

A bill to amend 1967 PA 288, entitled “Land division act,” by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, and 171 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.147, 560.161, 560.162, 560.163, 560.164, 560.165, 560.166, 560.167, 560.168, 560.169, and 560.171), sections 117 and 169 as amended by 1998 PA 549, and by adding sections 112a and 167a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 768**Yeas—36**

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1464, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 2, following line 16, by inserting:

“(vi) A licensed professional counselor licensed under part 181 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.”.

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. 769

Yeas—36

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1465, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

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. 770

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1466, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

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. 771

Yeas—36

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1467, entitled

A bill to amend 1996 PA 193, entitled “Michigan do-not-resuscitate procedure act,” by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

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. 772

Yeas—36

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1468, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

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. 773**Yeas—36**

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

Nays—0**Excused—2**

Olshove Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1469, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

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. 774**Yeas—36**

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

Nays—0**Excused—2**

Olshove Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1470, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

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. 775**Yeas—36**

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

Nays—0**Excused—2**

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1471, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

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. 776**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer

The following bill was read a third time:

Senate Bill No. 683, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 401 (MCL 330.1401), as amended by 1995 PA 290.

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. 778

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 684, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 226 and 469a (MCL 330.1226 and 330.1469a), section 226 as amended by 2002 PA 595 and section 469a as added by 1996 PA 588, and by adding section 433.

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. 779

Yeas—36

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

Brown
CassisGilbert
GoschkaMcManus
PattersonToy
Van Woerkom**Nays—0****Excused—2**

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 685, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

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. 780**Yeas—36**Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
CassisCherry
Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
GoschkaHammerstrom
Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
PattersonPrusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Toy
Van Woerkom**Nays—0****Excused—2**

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 686, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 100a and 161 (MCL 330.1100a and 330.1161), as amended by 1998 PA 497, and by adding section 116a.

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. 781

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1153, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, sections 1279 and 1279d as amended by 2004 PA 399, section 1279a as added by 2002 PA 592, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

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. 782

Yeas—35

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas

Brater
Brown
Cassis

George
Gilbert
Goschka

Leland
McManus
Patterson

Switalski
Van Woerkom

Nays—1

Toy

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1154, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 4, line 21, after "of" by inserting "college readiness".

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. 783

Yeas—35

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka

Hammerstrom
Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Van Woerkom

Nays—1

Toy

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

When this package of bills was before the Education Committee, I withheld my support until some of the language in the bills was finalized. When the idea of moving from the high school MEAP to a college entrance exam was first discussed, I did have some reservations about whether yet another change in our assessment program was in the best interest of our children. The work of the Cherry Commission, as well as the deliberations of the Senate Education Committee on these bills, has put many of those concerns to rest. I believe that allowing every high school student in Michigan the opportunity to take a college entrance exam at no cost to their families is a good one. I believe this will lead all students to think about the post-secondary options that are available in our state, whether it be a four-year degree or other advanced degrees. I look forward to continued development of this concept by the Department of Education as we move forward. I remain concerned about our federal compliance and about the cost of our assessment program in general. However, I believe this is a package that warrants our support, and I will be supporting these bills today.

The following bill was read a third time:

Senate Bill No. 1155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), as amended by 2004 PA 351, and by adding section 104b.

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. 784**Yeas—35**

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

Nays—1

Toy

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1156, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2004 PA 69, and by adding sections 7a and 7b.

The question being on the passage of the bill,

Senator Van Woerkom offered the following substitute:

Substitute (S-3).

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

The question being on the passage of the bill,

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

Roll Call No. 785**Yeas—35**

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

Nays—1

Toy

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1157, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

The question being on the passage of the bill,

Senator Kuipers offered the following amendment:

1. Amend page 4, line 11, after "of" by inserting "college readiness".

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. 786

Yeas—35

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

Nays—1

Toy

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5457, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 622a.

The question being on the passage of the bill,

Senator Kuipers offered the following substitute:

Substitute (S-5).

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

The question being on the passage of the bill,

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

Roll Call No. 787**Yeas—36**

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

Nays—0**Excused—2**

Olshove	Thomas
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Not Voting—0

In The Chair: President

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

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

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

“An act to provide 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.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Clark-Coleman’s statement is as follows:

I do support the substitute, and I rise in support of the ISD bills coming before the Senate. I believe that they are reasonable bills that allow taxpayers to understand how their dollars are being spent and how services are being delivered to our children. At the same time, I feel it’s important to state that these bills and the earlier bills that have already been signed into law by the Governor should not be seen as an indictment of all ISDs in the state. The criminal actions of a few should not taint the reputation of many fine men and women who have always put the welfare of our children, especially our neediest children, at the forefront. So I am supporting these bills today and would like to thank the chairman of the Education Committee and the representatives of the ISDs, especially my own Wayne County RESA, for the serious deliberations that were given this package.

The following bill was read a third time:

House Bill No. 5475, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 620.

The question being on the passage of the bill,

Senator Kuipers offered the following substitute:

Substitute (S-4).

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

The question being on the passage of the bill,

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

Roll Call No. 788

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: President

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

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

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

“An act to provide 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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5627, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 18 (MCL 388.1618), as amended by 2003 PA 158.

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. 789**Yeas—36**

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

Nays—0**Excused—2**

Olshove Thomas

Not Voting—0

In The Chair: President

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

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

“An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The President pro tempore, Senator Birkholz, assumed the Chair.

The following bill was read a third time:

House Bill No. 5839, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 681, 687, 1723, 1724a, and 1731 (MCL 380.681, 380.687, 380.1723, 380.1724a, and 380.1731), sections 681 and 687 as amended by 2003 PA 299, section 1724a as added by 1994 PA 258, and section 1731 as amended by 2002 PA 70, and by adding section 625b.

The question being on the passage of the bill,

Senator Kuipers offered the following substitute:

Substitute (S-4).

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

The question being on the passage of the bill,

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

Roll Call No. 790**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn

Brater
Brown
Cassis

George
Gilbert
Goschka

Leland
McManus
Patterson

Switalski
Toy
Van Woerkom

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senator Kuipers offered to amend the title to read as follows:

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 162.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 5921, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 611, 612, and 621a (MCL 380.611, 380.612, and 380.621a), section 611 as amended by 1981 PA 87 and section 621a as added by 2004 PA 234, and by adding section 634.

The question being on the passage of the bill,

Senator Kuipers offered the following substitute:

Substitute (S-3).

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

The question being on the passage of the bill,

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

Roll Call No. 793

Yeas—36

Allen
Barcia

Cherry
Clark-Coleman

Hammerstrom
Hardiman

Prusi
Sanborn

Birkholz	Garcia	Johnson	Sikkema
Bishop	George	Kuipers	Stamas
Brown	Gilbert	Leland	Switalski
Cassis	Goschka	McManus	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

Nays—4

Basham	Brater	Clark-Coleman	Patterson
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Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: Birkholz

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1453, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

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. 795**Yeas—36**

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer
Bernero	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema

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:

Senate Bill No. 1434, entitled

A bill to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

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. 797

Yeas—36

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

Nays—0

Excused—2

Olshove	Thomas
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1463, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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. 798

Yeas—25

Allen	Cropsey	Hammerstrom	Patterson
Barcia	Emerson	Hardiman	Sanborn
Bernero	Garcia	Jelinek	Sikkema
Birkholz	George	Johnson	Stamas
Bishop	Gilbert	Kuipers	Toy
Brown	Goschka	McManus	Van Woerkom
Cassis			

Nays—10

Basham	Clark-Coleman	Leland	Scott
Brater	Clarke	Schauer	Switalski
Cherry	Jacobs		

Excused—2

Olshove	Thomas
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Not Voting—1

Prusi

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 6173, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," (MCL 780.751 to 780.834) by adding sections 4a and 33b.

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. 799

Yeas—36

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

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 prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6177, entitled

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

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. 801**Yeas—36**

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

Nays—0**Excused—2**

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

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

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:

Senate Bill No. 1447, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g, 552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

- 1. Amend page 18, line 21, after “the” by striking out “bureau of worker’s compensation” and inserting “worker’s compensation agency”.
- 2. Amend page 19, line 2, after “the” by striking out “bureau of worker’s compensation” and inserting “worker’s compensation agency”.

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

Senator Hammerstrom offered the following amendment:

- 1. Amend page 4, line 19, after “less” by inserting a comma and “**for each lien and levy or each payment pursuant to a lien and levy**”.

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. 802

Yeas—35

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

Nays—0

Excused—3

Emerson	Olshove	Thomas
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 1448, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 24b.

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. 803

Yeas—34

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

Nays—0

Excused—4

Emerson	Leland	Olshove	Thomas
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senators Emerson and Leland entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1449, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 418.

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. 804

Yeas—36

Allen	Cherry	Hammerstrom	Prusi
Barcia	Clark-Coleman	Hardiman	Sanborn
Basham	Clarke	Jacobs	Schauer

By unanimous consent the Senate returned 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 pro tempore, Senator Birkholz, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4868, entitled

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

Substitute (S-5).

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 returned to the order of
Messages from the House

Senate Bill No. 757, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a. Substitute (H-2).

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

Senator Hardiman offered the following amendments to the substitute:

1. Amend page 1, line 3, after "**child**" by striking out "**who is found to be lead poisoned**".
2. Amend page 2, following line 4, by inserting:

"(d) The property manager, housing commission or owner of the rental unit receives written notice from a county medical examiner, on a form approved by the department, that a minor child dwelling in the unit is found to be lead poisoned, or that the child is likely to develop such symptoms during his or her residency in the unit based upon the county health department review of the lead hazard risk assessment performed under this act. The property manager, housing commission or owner shall be allowed to review the risk assessment, as well as the county health department review of it upon request."

3. Amend page 3, line 1, by striking out all of subsection (4) and inserting:

"(4) The property manager, housing commission, or owner may assert one or more of the following as an affirmative defense in a prosecution of violating this section, and has the burden of proof on that defense by a preponderance of the evidence:

(i) That the property owner, housing commission or owner requested or contracted with a person having responsibility for maintaining the rental unit to reduce the hazard through interim controls or abatement and reasonably expected that the hazard would be reduced.

(ii) That the tenant would not allow entry into or upon the premises where the hazard is located or otherwise interfered with correcting the hazard."

The question being on the adoption of the amendments,

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

The motion prevailed.

Senate Bill No. 220, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

Substitute (H-3).

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

Senator Garcia offered the following substitute to the House substitute:

Substitute (S-3).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 806**Yeas—36**

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

Nays—0**Excused—2**

Olshove	Thomas
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Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.

Senate Bill No. 657, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

Substitute (H-4).

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

Senator Brown offered the following substitute to the House substitute:

Substitute (S-1).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

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

Roll Call No. 807**Yeas—36**

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

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

Senate Bill No. 792, entitled

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

Substitute (H-4).

The question being on concurring in the substitute made to the bill by the House, Senator Bishop offered the following amendments to the substitute:

1. Amend page 5, line 14, after “subsection” by striking out “(5)” and inserting “(6)”.
2. Amend page 5, line 24, after “section” by inserting “or any other violation of law committed by that person while violating or attempting to violate this section”.
3. Amend page 5, following line 24, by inserting:
“(4) The court may order that a term of imprisonment imposed under this section be served consecutively to any term of imprisonment imposed for a conviction of any other violation of law committed by that person using the information obtained in violation of this section or any other violation of law committed by that person while violating or attempting to violate this section.” and renumbering the remaining subsections.

The amendments to the substitute were adopted.

Senator Bishop offered the following amendment to the substitute:

1. Amend page 8, line 6, after the first “to” by striking out the balance of the subdivision and inserting “a purchase of a credit obligation in an acquisition, merger, purchase of assets, or assumption of liabilities or any change to or review of an existing credit account.”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 808

Yeas—36

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

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

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.

Senate Bill No. 793, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 10c to chapter II.

Substitute (H-3).

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

Senator Bishop offered the following amendments to the substitute:

1. Amend page 1, line 2, after “(1)” by striking out “A” and inserting “**Conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328, or a**”.

2. Amend page 1, line 4, after “as” by inserting “**conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328, or**”.

3. Amend page 2, following line 5, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 792 of the 92nd Legislature is enacted into law.”.

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 809

Yeas—36

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka

Hammerstrom
Hardiman
Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Patterson

Prusi
Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Nays—0

Excused—2

Olshove

Thomas

Not Voting—0

In The Chair: Birkholz

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

Senator Thomas entered the Senate Chamber.

Senate Bill No. 795, entitled

A bill to establish the social security number privacy act in the state of Michigan; to prescribe penalties and civil sanctions; and to provide remedies.

Substitute (H-5).

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

Senator Cassis offered the following amendments to the substitute:

1. Amend page 1, line 6, subparagraph (*vii*), after “surcharge” by striking out “as provided by” and inserting “paid under section 3a”.
2. Amend page 1, line 6, following subparagraph (*vii*) by inserting:
“(b) “Computer”, “computer network”, or “computer system” mean those terms as defined in section 2 of 1979 PA 53, MCL 752.792.
(c) “Internet” means that term as defined in 47 U.S.C. 230.” and relettering the remaining subdivisions.”.
3. Amend page 1, line 8, after “service” by inserting “that does not require the signature of recipient indicating actual receipt”.
4. Amend page 2, line 4, after “view” by inserting a comma and “including, but not limited to, open view on a computer device, computer network, website, or other electronic medium or device,”.
5. Amend page 2, following line 11, by inserting:
“(g) “Website” means a collection of pages of the world wide web or internet, usually in HTML format, with clickable or hypertext links to enable navigation from one page or section to another, that often uses associated graphics files to provide illustration and may contain other clickable or hypertext links.”.
6. Amend page 3, line 14, after “the” by striking out “website, computer system, or network” and inserting “internet website or computer system or network”.
7. Amend page 3, line 23, after “rule,” by striking out “or regulation” and inserting “regulation, or court order or rule”.
8. Amend page 4, line 3, after “employee” by inserting “or health insurance”.
9. Amend page 4, line 5, after “employee” by inserting “or health insurance”.
10. Amend page 4, line 12, after “county” by inserting “clerk or”.
11. Amend page 4, line 18, after “by” by inserting “or at the request of”.
12. Amend page 6, line 9, after “employee” by inserting “or health insurance”.
13. Amend page 7, line 9, after “documents” by inserting a comma and “which may be made available electronically”.
14. Amend page 7, line 20, after “3” by inserting “with knowledge that the person’s conduct violates this act”.
15. Amend page 7, line 24, after “damages” by striking out the balance of the line through “\$1,000.00” on line 25 and inserting a period and “If the person knowingly violates section 3, an individual may recover actual damages or \$1,000.00”.
16. Amend page 7, line 25, after “greater.” by inserting “Prior to a civil action, if the individual made a written demand to the person for a violation of section 3 and the person did not pay the individual the amount of his or her actual damages within 60 days after the person received reasonable documentation of the actual damages, then, upon receiving an award for damages in a civil action for the violation of section 3, the individual may also recover reasonable attorneys fees. This subsection does not apply to a person for conduct by an employee of the person in violation of a privacy policy created pursuant to section 4 if the person has taken reasonable measures to enforce its policy and to correct and prevent the reoccurrence of any known violations.”.

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 810**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: Birkholz

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 as amended.

Senate Bill No. 797, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 14h and 16o of chapter XVII (MCL 777.14h and 777.16o), section 14h as amended by 2003 PA 134 and section 16o as amended by 2000 PA 389.

Substitute (H-3).

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

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

Roll Call No. 811**Yeas—36**

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

Nays—0

Excused—1

Olshove

Not Voting—1

Hammerstrom

In The Chair: Birkholz

Senator Hammerstrom moved to reconsider the vote by which the House substitute was concurred in. The question being on the motion to reconsider, Senator Hammerstrom moved that further consideration of the bill be postponed for today. The motion prevailed.

Senate Bill No. 798, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

Substitute (H-1).

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

Senator Cropsey offered the following amendment to the substitute:

1. Amend page 7, line 3, by striking out all of subdivision "(hh)" and inserting:

"(hh) Denying credit or public utility service to, or reducing the credit limit of, a consumer who is a victim of identity theft under the identity theft protection act, if the person denying credit or public utility service to or reducing the credit limit of that consumer has prior knowledge that the consumer was a victim of identity theft. A person is presumed to be the victim of identity theft if he or she possesses a valid police report evidencing the claim of the victim of identity theft. "Identity theft" means that term as defined under the identity theft protection act."

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 812**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: Birkholz

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

Senate Bill No. 803, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House, Senator Cropsey offered the following amendment to the substitute:

1. Amend page 3, line 10, after “MCL” by striking out the balance of the line and inserting “**445.65 and 445.67.**”. The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 813**Yeas—37**

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

Nays—0**Excused—1**

Olshove

Not Voting—0

In The Chair: Birkholz

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

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

Senate Bill No. 757, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a. (This bill was announced earlier today, amendments to the House substitute offered and consideration postponed. See p. 2226.)

The question being on the adoption of the amendments offered by Senator Hardiman, Senator Hardiman withdrew the amendments.

Senator Clarke offered the following amendments to the substitute:

1. Amend page 1, line 4, after the first "to" by striking out "be lead poisoned" and inserting "have 10 micrograms or more of lead per deciliter of venous blood".

2. Amend page 2, line 5, after "owner" by inserting "of the rental unit".

3. Amend page 2, line 8, after "owner" by inserting "of the rental unit".

4. Amend page 2, line 11, after "owner" by inserting "of the rental unit".

5. Amend page 2, line 15, after "owner" by inserting "of the rental unit".

6. Amend page 2, line 19, after "owner" by inserting "of the rental unit".

7. Amend page 2, line 22, after "owner" by inserting "of the rental unit".

8. Amend page 2, line 25, after "owner" by inserting "of the rental unit".

9. Amend page 3, line 1, by striking out all of subsection (4) and inserting:

"(4) The property manager, housing commission, or owner of the rental unit may assert 1 or more of the following as an affirmative defense in a prosecution of violating this section, and has the burden of proof on that defense by a preponderance of the evidence:

(a) That the property manager, housing commission, or owner of the rental unit requested or contracted with a person having responsibility for maintaining the rental unit to reduce the hazard through interim controls or abatement and reasonably expected that the hazard would be reduced.

(b) That the tenant would not allow entry into or upon premises where the hazard is located or otherwise interfered with correcting the hazard."

10. Amend page 3, line 18, by striking out "November 1, 2004" and inserting "January 2, 2005".

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 814

Yeas—36

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

Nays—0

Excused—1

Olshove

Not Voting—1

Gilbert

In The Chair: Birkholz

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

Senate Resolution No. 241

Senate Concurrent Resolution No. 40

The motion prevailed.

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

Senate Resolution No. 303

The resolution consent calendar was adopted.

Senator Schauer offered the following resolution:

Senate Resolution No. 303.

A resolution honoring veterans in the state of Michigan and the United States.

The moon gives you light,
And the bugles and the drums give you music;
And my heart, O my soldiers, my veterans,
My heart gives you love.

— Walt Whitman, to the veterans of the Civil War

Whereas, On November 11, the anniversary of the end of World War I, the citizens of this state and this country will pause to take note of the special contribution made by America's veterans in preserving the peace and ensuring the prosperity of freedom throughout the world; and

Whereas, On June 4, 1926, the United States Congress concurrently resolved to recognize the price paid and the burden carried by our military personnel in fighting what was to be "the war to end all wars." The original proclamation stated that in light of the cessation of the most destructive and "far reaching war in human annals," it was necessary to set aside November 11 as a "recurring anniversary [which] should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations." This resolution was later codified in statute, and Congress directed that November 11 be "dedicated to the cause of world peace and to be hereafter celebrated and known as 'Armistice Day,' " in honor of the veterans of World War I; and

Whereas, Sadly, World War I proved to exact but one toll on our nation's youth, who were later to be called in massive numbers to respond to World War II and the Korean War. In light of those wars and the tremendous sacrifice akin to their prosecution, in 1954 Congress amended the statute and directed that the day of honor thenceforth be known as Veterans' Day, in honor of all those who ever served, in peacetime as well as in war. The following year, Michigan amended its 1935 Armistice Day statute to reflect the change to Veterans' Day. Our allies in Canada, Australia, and Great Britain similarly observe November 11 as a day of reflection, called Remembrance Day in those nations; and

Whereas, As the bell strikes the eleventh hour of the eleventh day of the eleventh month, we stop to honor not only those who gave their lives—their "last full measure of devotion," in President Lincoln's famous tribute—but moreover, those who returned home; their lives enriched, ennobled, and inexorably altered by the sacrifice and the satisfaction of serving our country in the most important role of government—as the protectors of freedom, as the very fabric of our shield of democracy; and

Whereas, On that day, we may also note tomorrow's veterans, the thousands of men and women from units in Battle Creek, Jackson, and throughout the state, who today serve in their generation's conflict and who will stand in lineal descent with the heroes from the Cold War, the doughboys of World War I, and the farmers' militia who served under General Washington at the formation of our nation; now, therefore, be it

Resolved by the Senate, That we hereby express to all Michigan veterans our thanks, our respect, and our unyielding admiration for their service.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senate Resolution No. 216.

A resolution to urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in the country's national forests.

The question being on the adoption of the resolution,

Senator Brater offered the following substitute:

A resolution to urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in the country's national forests.

Whereas, The timber growing in our country's national forests is extremely valuable not only because of its recreational appeal and commercial uses, but also because these renewable resources are a cornerstone of the local economy in many ways. Sound management of the forests, especially harvesting timber to an extent that maximizes the health of the forests, is vitally important to using these acres in the most productive and far-sighted manner; and

Whereas, Declining timber yields have become a pressing issue in federal forestlands. Apart from economic considerations, this decline has contributed to increased risks of wildfires and insect damage. The current management strategies in place for our national forests are clearly inadequate; and

Whereas, The timber harvested from Michigan's national forestlands plays a central role in the strength of the local economies. Michigan counties receive payments that amount to 25 percent of stumpage receipts, in addition to payments made in lieu of taxes. The money sent to the local units is vital to the operation of area schools and the maintenance of roads; and

Whereas, In spite of plans that call for far higher levels of timber harvest, the national forests located in Michigan have all yielded significantly lower harvests than the targeted quantities in recent years. In Fiscal Year 2003, 26.7 million board feet (MMBF) were harvested from the Hiawatha National Forest out of an allowable sale quantity of 70 (MMBF); 36.7 MMBF were harvested from the Huron Manistee National Forest out of the allowable quantity of 82.2 MMBF; and 55.9 MMBF was the harvested volume out of a target of 78 MMBF from the Ottawa National Forest; and

Whereas, Many factors argue for revising the strategies used to manage the timber of our national forestlands. The significant risks to our forest resources of current actions and policies demonstrate the need for a revision of forest management policies. The need to increase timber production is clearly evident on many levels, including the impact that this activity has on local schools, roads, and services. A much more active approach to management of the forest, including significantly increasing timber harvests, is necessary; now, therefore, be it

Resolved by the Senate, That we urge the United States Forest Service to review its forest management plan to revise timber practices and address declining timber yields in our country's national forests to encourage increased timber production consistent with multiple use and sustainable yields; and be it further

Resolved, That we urge the federal government to provide additional revenue for local forest management planning; and be it further

Resolved, That a copy of this resolution be transmitted to the United States Forest Service.

The substitute was adopted.

The resolution, as substituted, was adopted.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 46.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, November 10, 2004, it stands adjourned until Tuesday, November 30, 2004, at 10:00 a.m. for the Senate and 1:00 p.m. for the House of Representatives.

Pending the order that, under rule 3.204 the concurrent 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 concurrent resolution was adopted.

Senators Barcia, Cropsey and Stamas offered the following resolution:

Senate Resolution No. 304.

A resolution to urge the Department of Community Health to extend its moratorium on transferring forensic mental health patients to local facilities and on issuing ground passes until public safety measures are fully established and to work with the state's courts to address this issue.

Whereas, With the closing of large state forensic psychiatric centers, more patients suffering various mental health conditions are being placed in local mental health facilities. In most instances, the local facilities do not have the range of security protections in place as the traditional large settings; and

Whereas, A serious problem has developed as a result of the increased use of local mental health care facilities. With not enough state forensic psychiatric hospital capacity to accommodate the number of people found not guilty by reason of insanity or who are found unfit to stand trial, the courts and the Department of Community Health have placed increasing numbers of offenders in locations that are not secure. It is not uncommon for assignment to a community-based facility to be an item discussed in plea bargaining. As a result, the public is put at greater risk. With far less security at local facilities, patients can walk away and can again present a danger to the community. On several occasions across the state, patients sent to local mental health facilities by the courts have eloped, one with tragic results; and

Whereas, In response to this problem, the Department of Community Health has established a moratorium on transferring forensic mental health patients to local facilities and issuing ground passes in order to find new ways to increase security. The department has identified changes that can be made to increase safety and is committed to identifying ways to eliminate potentially dangerous situations. It is clear, however, that the moratorium needs to be extended if a truly effective and lasting strategy is to be developed and implemented; and

Whereas, Article 4, Section 51 of the *Michigan Constitution* provides that "The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern." As new proposals are discussed, we cannot lose sight of the obligation we have to protect our citizens; now, therefore, be it

Resolved by the Senate, That we urge the Department of Community Health to extend its moratorium on transferring forensic mental health patients to local facilities and on issuing ground passes until public safety measures are fully established and to work with the state's courts to address this issue; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health.

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 Judiciary.

The motion prevailed.

Senators Cherry, Basham, Switalski, Bernero, Prusi and Toy offered the following resolution:

Senate Resolution No. 302.

A resolution to memorialize the Congress of the United States not to impose taxes on credit unions.

Whereas, For nearly a century, and especially since the enactment of the Federal Credit Union Act in 1934, credit unions have filled an important role in the financial needs of millions of American families; and

Whereas, Credit unions, which grew to increased prominence following the collapse of banks in the Great Depression, operate as democratic, one person-one vote, nonprofit entities, with unpaid boards of directors. All excess income is returned to members. These characteristics distinguish credit unions from banks or other types of financial institutions. Because of these clear distinctions from for-profit institutions, credit unions are tax exempt under federal law; and

Whereas, From time to time, proposals to institute a tax on credit unions are discussed. Such proposals, however, ignore the fact that the conditions that govern the activities of credit unions with regard to membership and profit remain in place. Congress has reaffirmed the tax-exempt status on several occasions over the years, including in 1937 and 1951. On those occasions, Congress found that credit unions are institutions organized for mutual purposes and are operating as nonprofit organizations. These characteristics continue to define credit unions; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States not to impose taxes on credit unions; 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 Banking and Financial Institutions.

The motion prevailed.

Senators Barcia, Brater, Cassis, Clark-Coleman, Clarke, Goschka and Jacobs were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Toy, Scott, Cassis and Barcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Toy's statement is as follows:

Tomorrow we will commemorate Veterans' Day, and we will honor reverently, earnestly, and gratefully the valiant members of our United States military. They risked their lives to protect the fortunate and blessed way of life we enjoy as American citizens. They fought not only to safeguard our freedom, but to liberate our fellow citizens of the world, and today's military heroes follow in their daunting footsteps as they seek to defend the freedom and secure the peace in nations less fortunate than ours.

As we are so acutely aware in these turbulent times, the freedom and opportunities we enjoy in this great country come at a price, and it has always been our noble veterans whom we have seen willing to pay that price and to make that sacrifice without complaint, without objection, and too often, without praise. Let us grant them their richly deserved tribute and thanks, and let us remember those who answered the call of duty and country and did not live to see the fruits of their valor.

Tomorrow, indeed every day, whether in moments of quiet personal reflection or in public displays of pride and gratitude, let us pay our solemn respect to the soldiers of the past and to the soldiers of the present stationed across the world defending the dignity of every human life.

May God bless our veterans, our military, their families, and may God bless America.

Senator Scott's statement is as follows:

As we leave for a few days, I would hope that my colleagues would certainly just check in with their constituents and see what kind of insurance problems are arising in their community. And, hopefully, when we return, we will certainly think about certainly doing something for those in certain zip codes who pay far too much for their property insurance and car insurance. So on my birthday, I would hope that you would give me that present when we return. So God bless you and enjoy your few days off. And God bless all of the veterans.

Senator Cassis' statement is as follows:

Today I rise in tribute to Richard Headlee, a renowned champion of state taxpayers. Elected by the people, we all have experienced the exhilaration of seeing our legislation become law and the agony of seeing them set aside. At momentous instances in a state's history, an idea germinates in the intellect of an advocate or an agent from the grassroots, and a movement is launched to effect change.

Richard Headlee was such an advocate. He came forward at the right time in the right place. He advocated his tax idea with conviction, professionalism, persistence, and unwavering commitment. He worked within the system, had the wind of voters' power beneath his effort, and eventually tasted the fruits of victory.

Today we mourn Richard Headlee's passing because he leaves a void. But we nevertheless celebrate his life and his legacy, the positive and constructive impact he has had on our state.

Senator Barcia's statement is as follows:

I would like to rise today for the purpose of calling attention to an issue which strikes at the very heart of our ability to ensure the safety of our citizens. Due to the decrease in availability of beds in our state forensic psychiatric hospitals, the courts and the Department of Community Health have been placing court-ordered patients—in other words, those ruled not guilty by reason of insanity or unfit to stand trial—in local mental health facilities. Because these facilities have been established for the developmentally disabled and not dangerous patients, who under normal circumstances would be confined in a penal institution, several elopements have occurred.

Unfortunately, one of these elopements disappeared in Tuscola County for five days from the Caro regional center. On June 25, Corbin Thomas, a patient of the Caro mental center with a history of violence, walked away after being given a 15-minute grounds pass. On the third day of his absence, he viciously attacked four of our citizens, stabbing one and assaulting the other two with a hammer, the fourth victim escaping with her life, but with serious emotional damage in doing irreparable damage to all four of these victims.

In response to this tragedy and the subsequent public outcry, Representative Tom Meyer and myself have been working with the administration and the Department of Community Health to ensure that the necessary safeguards be put in place to prevent further elopements of these dangerous forensic patients. The department responded by instituting a 90-day moratorium on the transfer of forensic patients into local facilities, as well as a moratorium on the issuance of ground passes. These moratoriums were initiated to give the department enough time to address the security problems and install the necessary devices to prevent further attacks on our citizens. Because the facility has not

completed its security updates and the moratorium is due to expire, I have introduced today Senate Resolution No. 304 asking that the Department of Community Health extend its moratorium until such time as we can guarantee the safety and well-being of our citizens. Although Director Olszewski and the Department of Community Health have made progress toward this end, the continued restrictions will be necessary for the completion of security updates, as well as the peace of mind of the surrounding communities.

In addition, I would like to ask each of my colleagues to join with me in addressing this extremely important issue as we move into a new session. Although this incident took place in my district, there are other facilities throughout the state experiencing the same problems. This is a complicated issue and will require the input of the administration, the Legislature, and the courts in finding exactly what actions need to take place to ensure that all our patients receive quality care while fulfilling our constitutional mandate to protect our citizens.

I would like to thank my good friend and colleague, Senator Alan Cropsey, for his advice and guidance, along with my colleague and neighbor from Midland County, Senator Tony Stamas, for their input in drafting this resolution which would merely extend the moratorium to allow more time for the Department of Community Health to upgrade the security features that will prevent these instances of violence being committed against innocent, unsuspecting citizens in our community up in my district, but literally across the state because the same situation is occurring statewide.

With that, I want to thank Senator Cropsey for assuring us that at some point in the near future, we will address that issue because the moratorium will expire at the end of this month.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Switalski introduced
Senate Bill No. 1484, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 11, 12, and 25 (MCL 432.11, 432.12, and 432.25), section 11 as amended by 2004 PA 383, section 12 as amended by 2002 PA 471, and section 25 as amended by 1998 PA 465.

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

Senator Goschka introduced
Senate Bill No. 1485, 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 the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

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

House Bill No. 5949, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending the title and sections 1, 2, 3, 4, 5, 6, 6a, 6b, 6c, 6e, 7, 7a, 8, 10, and 11 (MCL 722.21, 722.22, 722.23, 722.24, 722.25, 722.26, 722.26a, 722.26b, 722.26c, 722.26e, 722.27, 722.27a, 722.28, 722.30, and 722.31), the title and section 7a as amended by 1996 PA 19, section 2 as amended by 2002 PA 9, sections 3, 5, and 6 as amended and sections 6c and 6e as added by 1993 PA 259, section 4 as amended by 1998 PA 482, section 6a as added by 1980 PA 434, section 6b as amended by 2000 PA 60, section 7 as amended by 2001 PA 108, section 10 as added by 1996 PA 304, and section 11 as added by 2000 PA 422.

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. 6012, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 705, 1021, 2950, 2950h, 2950j, 4319, 5071, 5077, 5078, and 5080 (MCL 600.705, 600.1021, 600.2950, 600.2950h, 600.2950j, 600.4319, 600.5071, 600.5077, 600.5078, and 600.5080), section 1021 as amended by 2002 PA 682, section 2950 as

amended by 2001 PA 200, sections 2950h and 2950j as added by 2001 PA 206, section 5071 as added by 2000 PA 419, and sections 5077, 5078, and 5080 as added by 2000 PA 420.

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. 6013, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 4a, 7b, and 10 (MCL 722.714a, 722.717b, and 722.720), section 4a as amended by 1998 PA 113, section 7b as amended by 1996 PA 308, and section 10 as amended by 2001 PA 109.

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. 6014, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5204, 5205, 5208, 5210, and 5215 (MCL 700.5204, 700.5205, 700.5208, 700.5210, and 700.5215), section 5204 as amended by 2000 PA 54 and section 5215 as amended by 2000 PA 469.

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. 6015, entitled

A bill to amend 1971 PA 79, entitled "Age of majority act of 1971," by amending section 2 (MCL 722.52), as amended by 1990 PA 104.

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

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

House Bill No. 6016, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending the title and sections 1, 1a, 1b, 2, and 4 (MCL 552.451, 552.451a, 552.451b, 552.452, and 552.454), the title and section 2 as amended by 2002 PA 574, sections 1 and 1a as amended by 2002 PA 8, section 1b as amended by 1990 PA 237, and section 4 as amended by 1999 PA 158.

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. 6213, entitled

A bill to amend 2001 PA 195, entitled "Uniform child-custody jurisdiction and enforcement act," by amending the title and sections 102 and 405 (MCL 722.1102 and 722.1405).

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. 6214, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 22, 23a, 23b, 23d, 23f, 27, 31, 34, 36, 37, 39, 41, 43, 51, and 60 of chapter X, section 1 of chapter XI, and sections 2, 14, and 15 of chapter XII (MCL 710.22, 710.23a, 710.23b, 710.23d, 710.23f, 710.27, 710.31, 710.34, 710.36, 710.37, 710.39, 710.41, 710.43, 710.51, 710.60, 711.1, 712.2, 712.14, and 712.15), sections 22, 34, 36, 43, 51, and 60 of chapter X as amended by 1996 PA 409, sections 23a, 23f, and 31 of chapter X as amended by 1994 PA 373, section 23b of chapter X as added and section 41 of chapter X as amended by 1994 PA 222, section 23d of chapter X as amended by 2004 PA 68, section 27 of chapter X as amended by 1994 PA 208, section 39 of chapter X as amended by 1998 PA 94, section 1 of chapter XI as amended by 2000 PA 111, and sections 2, 14, and 15 of chapter XII as added by 2000 PA 232.

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.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 823, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, 518, 542, 549g, 803, 810a, 8117, 8142, 8162, and 8163 (MCL 600.504, 600.517, 600.518, 600.542, 600.549g, 600.803, 600.810a, 600.8117, 600.8142, 600.8162, and 600.8163), sections 504, 517, 803, and 810a as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8117 as amended by 1997 PA 161.

With the recommendation that the substitute (S-2) previously recommended by the Committee on Judiciary be rejected.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

The bill and the substitutes recommended by the committees were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1434, entitled

A bill to allow the state to acquire and convey land in Otsego county.

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

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

Shirley Johnson
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, November 9, 2004, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Cropsey

The Committee on Commerce and Labor reported

House Bill No. 5832, entitled

A bill to amend 1881 PA 187, entitled "An act in relation to the form of deeds and mortgages of real estate and to the form of the acknowledgments of the same," by amending section 4 (MCL 565.154).

With the recommendation that the bill pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus and Schauer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, November 9, 2004, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Olshove

The Committee on Judiciary reported

Senate Bill No. 1463, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senator Brater

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5971, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2000 PA 318.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6008, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 45 of chapter X (MCL 710.45), as amended by 1996 PA 409.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 6009, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to

prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,” by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 6010, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 21a, 22, 23a, 23d, 24, and 24a of chapter X (MCL 710.21a, 710.22, 710.23a, 710.23d, 710.24, and 710.24a), section 21a as added by 1982 PA 72, sections 22, 24, and 24a as amended by 1996 PA 409, section 23a as amended by 1994 PA 373, and section 23d as amended by 2004 PA 68.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 6173, entitled

A bill to amend 1985 PA 87, entitled “Crime victim’s rights act,” (MCL 780.751 to 780.834) by adding sections 4a, 33b, and 64a.

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.

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 6174, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6177, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539k. With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 1, line 3, after “**photograph**,” by striking out the balance of the line through “**transmit**” on line 4 and inserting “**or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means,**”.

2. Amend page 1, following line 9, by inserting:

“(3) This section does not apply to a peace officer of this state, or of the federal government, or the officer’s agent, while in the lawful performance of the officer’s duties.

(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 this section.” and renumbering the remaining subsections.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, 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, November 9, 2004, at 1:00 p.m., Room 210, Farnum Building

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

The Committee on Transportation reported

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 803b (MCL 257.803b), as amended by 2003 PA 152.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

House Bill No. 5544, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

With the recommendation that the bill pass.

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

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 9, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Families and Human Services reported

Senate Bill No. 1447, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g,

552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

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.

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

Senate Bill No. 1448, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 24b.

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

Senate Bill No. 1449, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 418.

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

Senate Bill No. 1450, entitled

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

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.

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 1:59 p.m.

Pursuant to Senate Concurrent Resolution No. 46, the President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, November 30, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

