

No. 101  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2003

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Senate Chamber, Lansing, Tuesday, December 9, 2003.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen — present  
Barcia — present  
Basham — present  
Bernero — present  
Birkholz — present  
Bishop — present  
Brater — present  
Brown — present  
Cassis — present  
Cherry — present  
Clark-Coleman — 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 — present  
Patterson — present  
Prusi — present  
Sanborn — present  
Schauer — present  
Scott — present  
Sikkema — present  
Stamas — present  
Switalski — present  
Thomas — present  
Toy — present  
Van Woerkom — present

Father Corwin Stoppel of All Saints Episcopal Church of Saugatuck offered the following invocation:

Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our state with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance and from every evil way. Defend our liberties and fashion us into one united people.

Endue with wisdom those to whom we have entrusted the authority of government, that there may be justice and peace, and that through obedience to Thy law, we may show forth our praise among all people.

O God, the fountain of wisdom whose will it is to be good and gracious and whose law is truth, we beseech Thee so to guide and bless our state Senators that they may enact such laws as shall please Thee and benefit Thy people.

And we pray, as we commend to Your gracious care and keeping, all the men and women of our state serving in the armed forces at home and abroad. Defend them day by day with Your heavenly grace, strengthen them in their trials and temptations, and grant them a sense of Your abiding presence wherever they may be.

We ask this in Your name. Amen.

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

### 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.

10:16 a.m.

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

During the recess, Senators Leland, Thomas, Cassis, Scott, Clark-Coleman, McManus, Patterson, Brown, Bishop, Van Woerkom, Hardiman, Johnson, George, Jelinek, Toy, Stamas, Sikkema, Garcia, Cropsey, Goschka, Kuipers, Gilbert and Allen entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bills:

**House Bill No. 5221, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

**Senate Bill No. 852, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

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

Senator Hammerstrom moved that the bills be referred to the Committee on Government Operations.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 4:

**House Bill Nos. 4127 4702**

The Secretary announced that the following bills were available at the legislative Web site on Thursday, December 4:

**Senate Bill Nos. 874 876 877**  
**House Bill Nos. 5332 5333 5334 5335 5336 5337 5338 5339 5340 5341 5342 5343 5344 5345**  
**5346 5347 5348 5349**

The Secretary announced that the following bills were available at the legislative Web site on Friday, December 5:

**Senate Bill Nos. 878 879 880 881**  
**House Bill Nos. 5350 5351 5352 5353 5354 5355 5356**  
**House Joint Resolution R**

### Messages from the Governor

The following messages from the Governor were received and read:

December 4, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 18821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.18821:

#### **Michigan Board of Veterinary Medicine**

Mr. Murray J. Chodak of 4054 Augusta Court, Bloomfield Hills, Michigan 48302, county of Oakland, succeeding Lisa Allmendinger, who has resigned, representing the general public, for a term commencing December 4, 2003 and ending on December 31, 2003.

December 4, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 18821 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18821:

#### **Michigan Board of Veterinary Medicine**

Mr. Murray J. Chodak of 4054 Augusta Court, Bloomfield Hills, Michigan 48302, county of Oakland, reappointed to represent the general public, for a term beginning on January 1, 2004 and expiring on December 31, 2007.

December 4, 2003

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 2 of 1968 PA 1, MCL 10.72:

#### **Michigan Women's Commission**

Ms. Cheryl B. Sugerma of 3507 Edgewood Drive, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding M. Judith Garland, who has resigned, for a term commencing December 4, 2003 and expiring July 15, 2004.

Sincerely,  
 Jennifer M. Granholm  
 Governor

The appointments were referred to the Committee on Government Operations.

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

**Senate Bill No. 195**  
**Senate Bill No. 364**  
**Senate Bill No. 293**  
**Senate Bill No. 265**  
**Senate Bill No. 288**  
**Senate Bill No. 540**  
**Senate Bill No. 283**  
**Senate Bill No. 464**  
**Senate Bill No. 466**  
**Senate Bill No. 395**  
**Senate Bill No. 687**

The motion prevailed.

### Messages from the House

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

**Senate Bill No. 474**

**Senate Bill No. 506**

**Senate Bill No. 557**

**Senate Bill No. 806**

The motion prevailed.

#### **Senate Bill No. 658, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 80134a.

(For text of amendment, see Senate Journal No. 100, p. 2125.)

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

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

#### **Roll Call No. 581**

#### **Yeas—37**

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

#### **Nays—0**

#### **Excused—0**

#### **Not Voting—1**

Emerson

In The Chair: President

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

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

The Senate agreed to the full title.

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

#### **Senate Bill No. 659, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13g of chapter XVII (MCL 777.13g), as added by 2002 PA 30.

(For text of amendments, see Senate Journal No. 100, p. 2125.)

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

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 582****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

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

**House Bill No. 4938, entitled**

An act to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

(For text of amendment, see Senate Journal No. 100, p. 2125.)

The question being on concurring in the House amendment made to the Senate substitute,

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

**Roll Call No. 583****Yeas—36**

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

**Nays—2**

Sanborn

Scott

**Excused—0**

**Not Voting—0**

In The Chair: President

**Senate Bill No. 485, entitled**

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 3a (MCL 552.603a), as amended by 2002 PA 572.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 805, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 16, after “**201**” by inserting “**at the site proposed for grant or loan funding**”.

2. Amend page 7, line 15, after “unless” by striking out “Senate Bill No. 806” and inserting “House Bill No. 5270”.

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

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

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 849, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 2 (MCL 125.2652), as amended by 2002 PA 254.

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. 584**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

**General Orders**

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

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

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

**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.

**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.

**House Bill No. 4896, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as added by 1998 PA 470.

**House Bill No. 4899, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2555 and 2559 (MCL 600.2555 and 600.2559), section 2559 as amended by 1994 PA 133.

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. 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 (S-4).

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. 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 (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. 794, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

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. 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 (S-4).

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. 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 (S-1).

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

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

**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.

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

1. Amend page 7, line 6, after the first "or" by inserting "**relates to the administration of a health-related benefit provided by an employer or**".

2. Amend page 7, following line 14, by inserting:

"Enacting section 1. This amendatory act takes effect March 31, 2004."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**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 (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5173, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2001 PA 103.

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. 5089, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 627 (MCL 257.320a and 257.627), section 320a as amended by 2003 PA 61 and section 627 as amended by 1990 PA 165, and by adding section 79d.

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. 843, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as added by 2002 PA 34.

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. 842, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 616a.

Substitute (S-3).

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

1. Amend page 2, line 22, after "to" by striking out the balance of the subsection and inserting "**any of the following:**

(a) **A law enforcement agency in the course of providing law enforcement services.**

(b) **A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services.**

(c) **An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services.**

(d) **An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.**

(e) **A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a signal preemption device.**

(f) **An employee or agent of a signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a signal preemption device to an individual or agency described in this subsection."**

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 780, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

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. 5270, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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 amendment, the following bill:

**Senate Bill No. 681, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11a to chapter VI.

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

1. Amend page 1, line 4, after "of" by inserting "telephonic, voice, or".

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

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

**House Bill No. 4513, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 200h (MCL 750.200h), as amended by 2001 PA 135.

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

1. Amend page 4, line 1, by striking out "October 1, 2003" and inserting "January 1, 2004".

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

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

**House Bill No. 4514, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200i, 200k, 200l, 204, 207, 209, 210, 211a, and 212a (MCL 750.200i, 750.200k, 750.200l, 750.204, 750.207, 750.209, 750.210, 750.211a, and 750.212a), sections 200i and 200k as added by 1998 PA 207, section 200l as added by 2001 PA 135, sections 204 and 211a as amended by 1998 PA 206, sections 207, 209, and 210 as amended by 1998 PA 208, and section 212a as amended by 2002 PA 140, and by adding section 200m.

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

1. Amend page 16, line 4, by striking out "October 1, 2003" and inserting "January 1, 2004".

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

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

**Senate Bill No. 702, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

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

1. Amend page 3, line 27, by striking out all of subparagraphs (ii) and (iii) and inserting:

**"(ii) That, if the prospective adoptive parent is a Michigan resident, the prospective adoptive parent agrees to reside with the child in Michigan until a change of residence within the state of Michigan is approved by the court after formal placement occurs.**

**(iii) That the prospective adoptive parent agrees to obtain approval in compliance with the interstate compact on the placement of children, 1984 PA 114, MCL 3.711 to 3.717, before the child is sent, brought, or caused to be sent or brought into a receiving state as that term is defined in section 1 of the interstate compact on the placement of children, 1984 PA 114, MCL 3.711.**

**(iv) That the prospective adoptive parent submits to this state's jurisdiction."**

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

### 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. 182**

**Senate Resolution No. 183**

**Senate Resolution No. 186**

The motion prevailed.

**Senate Resolution No. 141.**

A resolution to memorialize the Congress of the United States to enact Great Lakes environmental restoration legislation.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Clark-Coleman, Jacobs, Basham, Prusi, Brater, Olshove, Scott, Cherry, Clarke, Leland, Barcia, Bernero, Switalski, Emerson, Schauer and Thomas offered the following resolution:

**Senate Resolution No. 201.**

A resolution to memorialize the Congress of the United States to amend the USA Patriot Act to ensure national security without eroding civil liberties.

Whereas, The USA Patriot Act enacted by Congress and signed into law was a quick response to the terrorism of September 11, 2001; and

Whereas, The way in which the Justice Department continues to handle this law furthers the belief that we have upset the delicate balance of our system of government by eroding civil liberties in many situations. Specifically, such policies as conducting sweeping searches and surveillance without reasonable suspicion of criminal activity, the indefinite incarceration of people without access to counsel, and law enforcement access to personal information with few judicial protections are very troublesome to those who treasure civil liberties; and

Whereas, Many people in Michigan, a state rich in the diversity of its people, also are disturbed by actions and investigations that seem to be more centered on religious and ethnic groups than criminal activities. Eroding civil liberties and civil rights by targeting certain ethnic and religious groups can lead to mistrust and fear of our government and law enforcement and undermine our efforts to encourage cooperation and keep America safe; and

Whereas, Chipping away at the rights and process that are central to our national character is not what will make America stronger in the face of terrorism. Balance should be brought to the provisions of the USA Patriot Act to provide appropriate protections for our country without destroying human rights in a nation that clearly can do both; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to review provisions of the USA Patriot Act that curtail protections to our safety by violating our civil liberties; and be it further

Resolved, That we memorialize the Congress of the United States to amend the USA Patriot Act to ensure national security without eroding civil liberties; 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.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

### Introduction and Referral of Bills

Senator Hammerstrom introduced

**Senate Bill No. 882, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

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

Senators Patterson and Gilbert introduced

**Senate Bill No. 883, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 87.

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

Senators Cropsey, Switalski and Garcia introduced

**Senate Bill No. 884, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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

**House Bill No. 4127, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110b.

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

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

**House Bill No. 4702, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2002 PA 744.

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

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

**Committee Reports**

The Committee on Finance reported

**Senate Bill No. 846, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2003 PA 136.

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 5168, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7cc, 7ee, and 24c (MCL 211.7cc, 211.7ee, and 211.24c), sections 7cc and 24c as amended by 2003 PA 140 and section 7ee as amended by 2003 PA 105.

With the recommendation that the bill pass.

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

Nancy Cassis  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Wednesday, December 3, 2003, at 1:07 p.m., Room 110, Farnum Building

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

The Committee on Health Policy reported

**Senate Bill No. 588, entitled**

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

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

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 4655, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643.

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

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 4656, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430 (MCL 750.430), as amended by 2002 PA 672.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, George, Bernero and Jacobs

Nays: None

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

The Committee on Health Policy reported

**Senate Bill No. 635, entitled**

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

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, December 3, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**House Bill No. 4458, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 229 (MCL 436.1229).

With the recommendation that the bill pass.

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

Alan Sanborn  
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported  
**House Bill No. 4786, entitled**

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

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 Sanborn  
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, December 3, 2003, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

The Committee on Technology and Energy reported

**House Bill No. 4439, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 408, 411, 602, and 711 (MCL 484.1408, 484.1411, 484.1602, and 484.1711), sections 408 and 411 as added by 1999 PA 78, section 602 as amended by 1999 PA 80, and section 711 as added by 1999 PA 79; and to repeal acts and parts of acts.

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

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

Bruce Patterson  
 Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, December 3, 2003, at 3:00 p.m., Room 210, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, December 2, 2003, at 3:00 p.m., Room 100, Farnum Building

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

## COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submitted the following:  
Meeting held on Wednesday, December 3, 2003, at 3:00 p.m., Room 252, Capitol Building  
Present: Senator Leland  
Excused: Senator Goschka

## COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:  
Meeting held on Wednesday, December 3, 2003, at 3:30 p.m., Room 424, Capitol Building  
Present: Senators Bishop (C), Jelinek, Kuipers, Thomas and Barcia

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Department of Natural Resources submitted the following:  
Meeting held on Thursday, December 4, 2003, at 8:35 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senator McManus (C), Stamas, Barcia and Cherry  
Excused: Senator Jelinek

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, December 11, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, December 10, 1:00 p.m. or later immediately following Executive Order presentation, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittee -**

**Capital Outlay** - Wednesday, December 10, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Appropriations, Joint Senate/House** - Wednesday, December 10, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce and Labor** - Wednesday, December 10, 1:00 p.m., Room 210, Farnum Building (CANCELED), and Thursday, December 11, 12:00 noon, Room 810, Farnum Building (373-2413)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, December 10, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Education** - Thursday, December 11, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Family Resource Center Curriculum Joint Study Committee (SCR 36)** - Wednesdays, December 10 and December 17, 4:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Finance** - Wednesday, December 10, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Government Operations** - Wednesday, December 10, and Thursday, December 11, 8:00 a.m., Rooms 402 and 403, Capitol Building (373-0797)

**Judiciary** - Tuesday, December 9, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Local, Urban and State Affairs** - Wednesday, December 10, 3:00 p.m., Room 100, Farnum Building, and Thursday, December 11, 1:00 p.m., Room 110, Farnum Building (373-1707)

**Senior Citizens and Veterans Affairs** - Wednesday, December 10, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:18 a.m.

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

CAROL MOREY VIVENTI  
Secretary of the Senate