

**No. 59**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, June 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—excused  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—excused  
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—excused  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—excused  
Van Woerkom—present

Pastor Curt Mudgett of Trinity Church of Stanton offered the following invocation:

Father, You have graciously allowed us to be alive today and to serve You in capacities of leadership, offering the opportunity and responsibility to honor You. Make it our purpose that what's discussed and done here in this place might reflect Your higher law and Your wisdom. Guide, direct, and bless these men and women. Strengthen their resolve to lead with perseverance and righteousness. Though these public servants are keenly aware and undoubtedly overwhelmed at times of all the expectations that come with representation, may they be even more aware of accountability before You.

Today, we offer special thanks for the sacrifices of many who have won and protect our freedom, especially, Father, for Your Son who died on our behalf to offer peace with You our Creator.

In Jesus' name we pray. Amen.

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

### Motions and Communications

Senator Allen entered the Senate Chamber.

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

Senator Hammerstrom moved that Senators Sikkema and Garcia be excused from today's session.  
The motion prevailed.

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

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

The Secretary announced that the following initiative petition has been filed with the Secretary of State:

#### **Legislative Initiative Petition**

An initiation of legislation to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

(Filed with the Secretary of State on June 9, 2004, at 5:02 p.m.)

The Secretary announced that the following official bills were printed on Wednesday, June 9, and are available at the legislative Web site:

**House Bill Nos. 5976 5977 5978**

### Messages from the Governor

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

**Senate Bill No. 195**

**Senate Bill No. 364**

**Senate Bill No. 293**

**Senate Bill No. 265**

**Senate Bill No. 288**

**Senate Bill No. 540**

**Senate Bill No. 283**

**Senate Bill No. 464**

**Senate Bill No. 466**

**Senate Bill No. 395**

**Senate Bill No. 474**

**Senate Bill No. 840**

**Senate Bill No. 785**  
**Senate Bill No. 788**  
**Senate Bill No. 829**  
**Senate Bill No. 841**  
**Senate Bill No. 1093**  
**Senate Bill No. 863**  
**Senate Bill No. 865**  
**Senate Bill No. 867**  
**Senate Bill No. 869**  
**Senate Bill No. 872**  
**Senate Bill No. 875**  
**Senate Bill No. 647**  
The motion prevailed.

The following message from the Governor was received and read:

June 9, 2004

Due to a typographical error in the May 27, 2004 letter filed with your office pursuant to Section 35 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.35, the following should read:

**Michigan Employment Security Board of Review**

Mr. Mark E. Kaufmann of 42 South Summit, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Ralph Deeds, whose term has expired, representing employee interests in this state, for a term commencing **July 12, 2004** and expiring December 31, 2007.

Mr. Neal A. Young of 1136 Cadillac Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, reappointed to represent employer interests in this state, for a term expiring December 31, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

### Messages from the House

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

**Senate Bill No. 267**  
**Senate Bill No. 774**

The motion prevailed.

**House Bill No. 5509, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Pumford, Caswell and Phillips as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5516, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Kooiman, Hoogendyk and Kolb as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5517, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Taub, Moolenaar and Williams as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5519, entitled**

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Amos, Acciavatti and Reeves as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5520, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Stewart, Steil and Hunter as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5521, entitled**

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Shulman, Steil and Whitmer as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5522, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Caul, Taub and Williams as conferees.

The message was referred to the Secretary for record.

**House Bill No. 5526, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Caul, Taub and Williams as conferees.

The message was referred to the Secretary for record.

Senators Barcia and Thomas entered the Senate Chamber.

**Senate Bill No. 151, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

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

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

The recommendation was 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.

Senator Goschka entered the Senate Chamber.

**Senate Bill No. 943, entitled**

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335, and by adding section 1507b.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-2).

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

**Senate Bill No. 1062, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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 amended the title to read as follows:

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers; and to repeal acts and parts of acts.

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

**Senate Bill No. 1063, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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.

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

**Senate Bill No. 1064, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

**Senate Bill No. 1065, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

**Senate Bill No. 1066, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

**Senate Bill No. 1067, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2004 and for the fiscal year ending September 30, 2005; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

**Senate Bill No. 1068, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

**Senate Bill No. 1069, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b, and 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c,

388.1632d, 388.1632f, 388.1632j, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b, and 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15 and 18a as amended by 1996 PA 300, sections 21b and 152 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding section 146; and to repeal acts and parts of acts.

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 amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “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,” by amending sections 3, 4, 6, 11, 11b, 11f, 11g, 11j, 13, 15, 18a, 19, 20, 21b, 22a, 22b, 24, 26, 26a, 31a, 31d, 32c, 32d, 32f, 32j, 37, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 104a, 107, 147, 152, 158b, 163, and 166a (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611b, 388.1611f, 388.1611g, 388.1611j, 388.1613, 388.1615, 388.1618a, 388.1619, 388.1620, 388.1621b, 388.1622a, 388.1622b, 388.1624, 388.1626, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1632f, 388.1632j, 388.1637, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1747, 388.1752, 388.1758b, 388.1763, and 388.1766a), sections 3, 6, 11f, 11g, 11j, 19, 20, 22a, 22b, 24, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 98, 99, 101, 104a, 107, 147, and 166a as amended and sections 32j, 41a, and 98b as added by 2003 PA 158, section 4 as amended by 1995 PA 130, sections 11, 11b, and 26a as amended by 2003 PA 236, section 13 as amended by 1999 PA 119, sections 15 and 18a as amended by 1996 PA 300, sections 21b, 152, and 163 as amended by 2000 PA 297, section 26 as amended by 1997 PA 93, section 32f as amended by 2002 PA 521, section 37 as amended by 2002 PA 191, section 94a as amended by 2003 PA 180, and section 158b as added by 1994 PA 283, and by adding sections 20l, 22d, 32k, 107b, and 146; and to repeal acts and parts of acts.

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

**Senate Bill No. 241, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.1100) by adding section 1073.

Substitute (H-2).

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

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

**Roll Call No. 384**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Bernero

Garcia

Sikkema

Toy

**Not Voting—0**

In The Chair: President

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

The Senate agreed to the full title.

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

**House Bill No. 4983, entitled**

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

(For text of amendment, see Senate Journal No. 58, p. 1060.)

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. 385****Yeas—34**

Allen

Clark-Coleman

Jacobs

Prusi

Barcia

Clarke

Jelinek

Sanborn

Basham

Cropsey

Johnson

Schauer

Birkholz

Emerson

Kuipers

Scott

Bishop

George

Leland

Stamas

Brater

Gilbert

McManus

Switalski

Brown

Goschka

Olshove

Thomas

Cassis

Hammerstrom

Patterson

Van Woerkom

Cherry

Hardiman

**Nays—0****Excused—4**

Bernero

Garcia

Sikkema

Toy

**Not Voting—0**

In The Chair: President

**Third Reading of Bills**

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

**House Bill No. 5859**

The motion prevailed.



The following bill was read a third time:

**House Bill No. 5859, entitled**

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

The 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. 386**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Bernero	Garcia	Sikkema	Toy
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**Not Voting—0**

In The Chair: President

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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clarke 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 bill:

**Senate Bill No. 773, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 145c (MCL 750.145c), as amended by 2002 PA 629.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1287, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 210 and 211a (MCL 750.210 and 750.211a), as amended by 2003 PA 257.

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. 1288, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16k of chapter XVII (MCL 777.16k), as amended by 2001 PA 136.

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:

**Senate Bill No. 1289, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2855a (MCL 333.2855a), as added by 2003 PA 322.

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

1. Amend page 1, line 1, after "publicly" by striking out "display" and inserting "**disseminate**".
2. Amend page 1, line 6, after "public" by striking out "display" and inserting "**dissemination**".
3. Amend page 2, line 17, after "public" by striking out "display" and inserting "**dissemination**".
4. Amend page 3, line 2, by striking out all of subparagraph (v) and inserting:

**"(v) Pursuant to a request of a law enforcement agency as part of and directly related to a criminal investigation. An autopsy photograph received under this subparagraph is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for law enforcement purposes."**

5. Amend page 3, line 12, after "public" by striking out "display" and inserting "**dissemination**".
6. Amend page 3, line 25, after "Public" by striking out "display" and inserting "**dissemination**".
7. Amend page 3, line 25, after "exhibit," by inserting "**disseminate,**".

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.

## 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. 270**

The resolution consent calendar was adopted.

Senator Switalski offered the following resolution:

**Senate Resolution No. 270.**

A resolution in commemoration of June 7-13, 2004, as Aquatic Invasive Species Awareness Week in Michigan.

Whereas, Michigan's economy depends on its great abundance of fresh water for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Preventing the introduction of aquatic nuisance species ultimately benefits the state of Michigan, and stopping the introduction of these species would eliminate the need of the state of Michigan, business, industry, and citizens from employing costly methods to control and manage them; and

Whereas, Over 160 nonindigenous aquatic nuisance species have been introduced to the Great Lakes. Species such as the zebra mussel and the sea lamprey, two of the most devastating species introduced, cost millions of dollars for control efforts each year; and

Whereas, Michigan has over 3.5 million registered boaters and many other recreational, commercial, and industrial users of over 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic nuisance species; and

Whereas, Aquatic nuisance species awareness is an important first step towards behavior change, which prevents the introduction and spread of aquatic nuisance species; and

Whereas, Spring marks the beginning of water-related recreational activities in Michigan; and

Whereas, Aquatic Invasive Species Awareness Week is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and citizens to take action against the spread and introduction of aquatic nuisance species; now, therefore, be it

Resolved by the Senate, That the week of June 7-13, 2004, is proclaimed Aquatic Invasive Species Awareness Week in Michigan. All citizens are encouraged to increase their understanding and awareness of aquatic invasive species and their environmental and ecological impact on the natural resources of the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality and the Department of Natural Resources.

Senators Barcia, Cassis, George, Goschka, Jacobs, Jelinek, Olshove, Prusi, Schauer, Scott, Thomas and Van Woerkom were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senators Cherry and Schauer introduced

**Senate Bill No. 1292, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 1994 PA 50.

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

Senators Cropsey, Garcia, Kuipers, Allen, Bishop, Stamas, Van Woerkom, Johnson, Hammerstrom, Sikkema, Cassis, George, McManus, Birkholz, Patterson, Hardiman, Jelinek, Goschka, Brown, Gilbert, Sanborn, Cherry, Olshove, Prusi, Thomas, Barcia, Basham, Switalski, Clarke and Emerson introduced

**Senate Bill No. 1293, entitled**

A bill to designate February 6 of each year as Ronald Wilson Reagan day in the state of Michigan.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

### Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

Today at 12:00 noon, our state's insurance commissioner will provide testimony to members of the Senate Banking and Financial Institutions Committee on matters of concern to the insurance industry. I commend the chair of the committee for allowing our state's top insurance regulator to speak on this important issue. It is an essential first step as we, as legislators, work with the commissioner and committee members to resolve some serious flaws that I believe exist in our state's current insurance system structure.

Senator Cropsey's statement is as follows:

Yesterday we debated and passed the initiated legislation that, among other issues, addresses the procedure of partial-birth abortion. However, I want to clarify in today's statement that the legislation accomplishes far more than what we debated yesterday. When *Roe v. Wade* was decided in 1973, the U.S. Supreme Court allowed room for the states to define when birth occurs in the context of abortion. At some point, a baby is legally recognized as a human being, with all of the constitutional and statutory rights that accrue to any American citizen. What the legislation we adopted does is address when legal rights accrue to a baby being born.

While the debate yesterday was on specific abortion procedures, the legislation really addresses the humanity and legal rights of the child being born. For instance, a Court of Appeals decision in Illinois in November of 2002 addressed a woman convicted of murder in the death of her newborn daughter. The mother, who confessed to allowing her newborn daughter to die, was convicted for delivering her baby at home, allowing her to die, and throwing her body in a garbage bag in a creek. The father testified that he heard the baby cry for a second or two. However, the court said that despite the mother's confession, the infant's cry that the father heard at delivery, and here I quote, "may have occurred before complete separation from the mother, and therefore, is not sufficient to prove live birth." Her conviction was overturned on this basis, despite the confession.

At some point, according to the *Roe v. Wade* court, birth must be defined, legal rights must accrue to the child, and human life protected. *Roe v. Wade* and the subsequent cases based on *Roe v. Wade* are all very clear in stating that the state has an interest in protecting the life of the unborn child, as well as a child being born. The initiated legislation does this by defining birth, as allowed by the court.

Senator Schauer's statement is as follows:

I rise to make a statement of invitation to each of you to come to the Cereal City on Saturday for the world's longest breakfast table. You have heard me and other legislators, I'm sure, from Battle Creek talk about this very important tradition that began in the 1950s to uplift an important economic activity and an important tradition in Battle Creek.

I have given you a brochure that is on your desk. As you will see from the logo, there are three cereal companies who make cereal in Battle Creek: Kellogg, the Post Division of Kraft Foods, and Ralston's, which makes store brand cereal. So come and join me and 60,000 of my closest friends as we line up at one long table in downtown Battle Creek for free breakfast made right in Battle Creek, right in this great state of Michigan. This is supporting thousands of jobs in our state.

If you haven't had a chance to come, bring your family, bring your kids, and we will see you for breakfast on Saturday.

### Committee Reports

The Committee on Commerce and Labor reported

#### **Senate Bill No. 1241, entitled**

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

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.

Jason E. Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

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 Commerce and Labor submitted the following:

Meeting held on Tuesday, June 8, 2004, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Health Policy reported

#### **House Bill No. 5225, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of

county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5a (MCL 52.205a).

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 and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**House Bill No. 4476, entitled**

A bill to provide respite care information resources; to establish a unified Michigan lifespan respite services resource network to disseminate community lifespan respite services information resources; and to prescribe the powers and duties of certain departments of this state.

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 and Jacobs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

**House Bill No. 5232, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20923 (MCL 333.20920, 333.20921, and 333.20923), as amended by 2000 PA 375.

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

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Patterson, George and Jacobs

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 Health Policy submitted the following:

Meeting held on Wednesday, June 9, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senator Bernero

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, June 9, 2004, at 1:02 p.m., Room 110, Farnum Building

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

#### Scheduled Meetings

#### Appropriations -

##### Subcommittee -

**Capital Outlay** - Thursday, June 17, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce and Labor** - Tuesday, June 15, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Natural Resources and Environmental Affairs** - Tuesday, June 15, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:48 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 15, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate