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Senate Chamber, Lansing, Thursday, October 7, 2004.

10:00 a.m.

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

Senator Hammerstrom moved that the Senate adjourn pursuant to rule 1.205.
The motion prevailed, the time being 10:01 a.m.

Committee Reports

The Committee on Transportation reported
Senate Bill No. 735, entitled

A bill to amend 1996 PA 299, entitled "An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department," by amending sections 1 and 3 (MCL 247.401 and 247.403).

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: None

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

The Committee on Transportation reported
House Bill No. 4231, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, 252e, 252f, and 252g (MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76, and by adding section 252h; and to repeal acts and parts of acts.

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, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

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.

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, Kuipers, Goschka and Leland

Nays: Senator Basham

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 5, 2004, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

Senate Bill No. 1366, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

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

Senate Bill No. 1440, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

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

1. Amend page 2, line 18, after "than" by striking out "91" and inserting "**182**".
2. Amend page 2, line 19, after "and" by inserting "**not more than**".
3. Amend page 2, line 22, after "agency." by inserting "**After the first year that the child is in foster care and subject to the jurisdiction, control, or supervision of the court, the Michigan children's institute, or other agency, a review hearing shall be held not less than every 182 days.**".

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1441, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIA (MCL 712A.19c), as amended by 2000 PA 46.

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

1. Amend page 1, line 5, after "a" by inserting "**review**".
2. Amend page 1, line 6, after "every" by striking out "**182**" and inserting "91".

3. Amend page 1, line 7, after "hearing" by inserting "**for the first year following termination of parental rights to the child. If a child remains in foster care for more than 1 year following the termination of parental rights to the child, the court shall conduct a review hearing not less than every 182 days after the first year**".

4. Amend page 2, line 1, after "hearing," by inserting "**A permanency planning hearing may be combined with a review hearing held under section 19(3) of this chapter. A permanency planning hearing shall not be canceled or delayed even if a petition for permanent custody is pending.**".

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1442, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

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

1. Amend page 1, line 5, by inserting "within".

2. Amend page 1, line 8, by striking out "**frequently**".

3. Amend page 1, line 8, after "**months**" by inserting "**from the preceding permanency planning hearing**".

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1444, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, and 17d of chapter XIIA (MCL 712A.13a, 712A.13b, and 712A.17d), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, and section 17d as added by 1998 PA 480.

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. 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.

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. 6172, 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.

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.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 5, 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. 5364, entitled

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

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 925, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding sections 51503b and 51503d.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 1432, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 312.

With the recommendation that the bill pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 6, 2004, at 12:00 noon, Room 424, Capitol Building.

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

The Committee on Senior Citizens and Veterans Affairs reported

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.

With the recommendation that the bill pass.

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

Laura M. Toy
Chairperson

To Report Out:

Yeas: Senators Toy, Stamas and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 6, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas and Clark-Coleman

Excused: Senators Gilbert and Olshove

Pursuant to Senate Concurrent Resolution No. 47, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, November 3, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

