

No. 100
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, December 4, 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 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

Bishop David W. Maxwell of Eliezer Temple Church of Lansing offered the following invocation:

God, we come before Your presence as humbly as we know how. The very fact that we are petitioning You is an acknowledgment of our inability and our human frailty. It is also an acknowledgment of Your sovereignty and of Your ability to do what we cannot do and to bring to pass what we cannot bring to pass. So we invite Your participation, Your assistance, and Your guidance.

Our state is faced with so many challenges. We are trying to do so many things to bring into fruition a budget to provide services to our citizens and to ensure the solvency of this state. We ask that You would bring together diversion and parochial views and cause us to be harmonized with one goal, one objective, and one ambition that is to enrich our state. I pray for these Senators who have the awesome responsibility of crafting legislation and enacting policies that will better our state. We ask and we pray for Your guidance in their lives; not only in the lives of these, our Senators, but we pray for the constituents, that we would not push and prod for our own personal gain, but that we would support them in such a way that is best for all of us not in part and partial, but in the whole.

I pray for the safety for these men and women as they travel from their localities. I pray for the holiday blessings as we celebrate the birth of our Christ. Bless this session of our Senate in the matchless and inimitable name of our Lord Jesus Christ.

This is our prayer, this our plea, and every person says, Amen.

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

Motions and Communications

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 3:

House Bill Nos. 4104 4512 5039 5216 5217 5219 5220 5224

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

House Bill Nos. 4367 4508 5265

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, December 3:

Senate Bill Nos. 845 846 847 848 850 851 852 862 863 864 865 866 867 868
869 870 871 872 873 875

House Bill Nos. 5323 5324 5325 5326 5327 5328 5329 5330 5331

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. 687

The motion prevailed.

The following message from the Governor was received:

Date: December 3, 2003
Time: 9:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 352 (Public Act No. 225), being

An act to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan; to designate July 14 of each year as President Gerald R. Ford day in the state of Michigan; and to designate July 30 of each year as Henry Ford day in the state of Michigan.

(Filed with the Secretary of State on December 3, 2003, at 10:50 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

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.

The House of Representatives has amended the bill as follows:

1. Amend page 2, following line 4, enacting section 1, after “effect” by striking out “January 31” and inserting “April 1”.

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.

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.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 19, after “**impairment**” by inserting “**or death**”.

2. Amend page 2, line 22, after “**death**” by inserting “**when at fault**”.

3. Amend page 4, following line 15, after “effect” by striking out “January 31” and inserting “April 1”.

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.

House Bill No. 4938, entitled

A bill 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.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 30, line 9, after “effective” by striking out “January” and inserting “April”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended.

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. 834, entitled

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

The question being on the passage of the bill,

Senator Bishop offered the following substitute:

Substitute (S-5).

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

The question being on the passage of the bill,

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

Roll Call No. 577

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Barcia Emerson

In The Chair: President

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 835, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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. 578**Yeas—37**

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

Nays—0**Excused—1**

Barcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Barcia entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 836, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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. 579**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 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 Switalski 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. 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 bill 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. 141

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. 170.

A resolution honoring the Village of Constantine.

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Brown's statement is as follows:

In company with our special guests today, I rise in support of this resolution. Senate Resolution No. 170 would designate the Village of Constantine as the Seed Corn Capital of the World. Mr. President, I know we don't grant these designations lightly—we shouldn't—which leads us to ask the question, "What is the criteria that should be used to grant such designations?" I would suggest, Mr. President, that criteria is that which was considered in committee, and that criteria is merit.

By way of background, Constantine is the home of two nineteenth century Michigan Governors—two Democrat Governors, Mr. President, John Berry and John Bagley. The community of Constantine was settled 175 years ago this year. Constantine is known this day far and wide as the Michigan home of several major seed corn producers. Constantine's product, food product, the activity in which they are engaged is an activity that ties us back to the very genesis of our being as a community, back to Native Americans. Constantine's local economy is derived from the

production of seed corn. Seed corn production provides enough number of jobs for the citizens of Constantine and the surrounding area.

It is home to two of the largest seed corn producers in the world, Monsanto Production Company and Pioneer Hi-Bred International, Constantine production location. These companies have dedicated their support to Constantine’s efforts to be named the Seed Corn Capital.

As I mentioned, these seed corn production facilities play a large role in distribution seed corn worldwide. The research and development efforts of the Constantine seed corn producers yield innovative and environmentally-friendly growing methods. The collective contributions of Constantine seed corn producers benefit the southwest Michigan area, our entire state, and the world. In fact, many, many students are engaged in summer activities of detasseling seed corn. The money that they receive, the pay they receive from that supports their education. Many students have received their college degrees based on income that they have received from their summer employment.

Monsanto Production Company has been in Constantine since 1997. However, Monsanto has been producing seed corn in the area since the mid-1970s. The Constantine facility is Monsanto’s largest production site and produces over 1.2 million bushels of corn each year. The site employs 35 full-time employees, approximately 1,500 seasonal employees during detasseling of which I have mentioned, and up to 300 temporary employees during harvest.

Pioneer Hi-Bred International is the largest seed corn producer in this state. Pioneer has been growing seed corn in the Constantine area for 30 years and has participated in the amazing growth of seed corn in this area. The Constantine location is Pioneer’s largest location. It regularly produces over 2 million bushels of corn, and the amount of production requires them to use over 3,000 summer detasseling employees, 300 harvest employees, and 45 full-time employees.

Constantine is unique, and there are two four-seed corn dryer plants operating within a mile of the city limits. Mr. President, I do respectfully and appreciatively ask the body to approve this resolution.

House Concurrent Resolution No. 28.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Superior State University relative to the Lake Superior State University Arts Classroom Building.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 580

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Kuipers

In The Chair: President

Senate Resolution No. 163.

A resolution to memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Thomas offered the following resolution:

Senate Resolution No. 200.

A resolution to urge the Congress and the President of the United States to create a new cabinet-level position of Secretary of Manufacturing.

Whereas, Manufacturing has been a driving engine of the American economy for more than a century. This sector of the economy has contributed to the strength of our nation in many ways. The impact of manufacturing jobs has had many positive benefits for our country, including contributing to the growth of the middle class in our society and contributing to our nation's defense; and

Whereas, In spite of its critical value to our nation and its future, manufacturing in America has suffered dramatically in recent years. Since the peak year of manufacturing employment, 1979, when nearly 20 million people held manufacturing jobs, the United States has lost 5 million of these jobs. The number of manufacturing jobs lost since 1998—3 million—is staggering. Nowhere is the damage from the loss of manufacturing jobs more severe than in Michigan; and

Whereas, With its significance to our economy and its strategic importance, securing and developing our capacities for manufacturing must be among the highest priorities of our federal government. The close link between actions in Washington, including policies related to trade, and the health of our manufacturing sector also argues for a stronger presence at the highest levels of government; now, therefore, be it

Resolved by the Senate, That we urge the Congress and the President of the United States to create a new cabinet-level position of Secretary of Manufacturing; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Commerce and Labor.

The motion prevailed.

Senators Allen, Cherry and Kuipers were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senator Barcia stated that had he been present when the votes were taken on the passage of the following bills, he would have voted "yea":

Senate Bill No. 834

Senate Bill No. 835

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

The motion prevailed.

Senator Jacobs' statement is as follows:

It is with mixed feelings that I rise today to say good-bye to one of our star communication staff people, Beth Bingham. Beth is leaving our central staff. She was tapped by the Governor's communications staff who recognized the talent that we saw in her. She is a gifted writer, an incredible warm, wonderful person, and friend. We will sorely miss her skills, and we really would like to wish her well in her new position.

She did not write this speech for me. Beth, good luck.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Garcia, Cassis, Kuipers, Switalski, Scott, Brown, Goschka and Van Woerkom introduced

Senate Bill No. 878, entitled

A bill to establish the rights of victims of identity theft; to make information available to those victims; to provide a means of allowing victims of identity theft to establish their identity and keep a record of that identity on file with the department of state police; to impose duties on licensed collection agencies; to designate certain practices as unfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce; and to provide remedies.

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

Senators Garcia, Cassis, Kuipers, Switalski, Scott, Brown, Goschka and Van Woerkom introduced

Senate Bill No. 879, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 918 (MCL 339.918), as added by 1981 PA 83.

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

Senators Garcia, Cassis, Kuipers, Switalski, Scott, Brown, Goschka and Van Woerkom introduced

Senate Bill No. 880, 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 bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Bishop introduced

Senate Bill No. 881, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

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

House Bill No. 4104, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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 Senior Citizens and Veterans Affairs.

House Bill No. 4367, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

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

House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 373, 375, 403a, 404b, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 449, 451, 461, 462, 472, and 485 (MCL 380.3, 380.373, 380.375, 380.403a, 380.404b, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462, 380.472, and 380.485), sections 3 and 416 as amended by 1995 PA 289, section 373 as amended by 2000 PA 230, sections 375 and 449 as added by 1999 PA 10, sections 403a, 418a, and 431a as amended and sections 404b and 485 as added by 1982 PA 71, section 412a as amended by 1989 PA 268, sections 413a and 414a as added by 1981 PA 96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 420 and 421; and to repeal acts and parts of acts.

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

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

House Bill No. 4512, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

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.

House Bill No. 5039, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

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 Senior Citizens and Veterans Affairs.

House Bill No. 5216, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4l (MCL 117.4l), as amended by 1996 PA 44, and by adding section 4q.

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 Judiciary.

House Bill No. 5217, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4r.

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 Judiciary.

House Bill No. 5219, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8313 (MCL 600.8313), as amended by 1995 PA 54.

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 Judiciary.

House Bill No. 5220, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 7 (MCL 125.587), as amended by 1994 PA 25.

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 Judiciary.

House Bill No. 5224, entitled

A bill to amend 1941 PA 359, entitled "An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds;

to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts," by amending section 4 (MCL 247.64), as amended by 1994 PA 26.

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 Judiciary.

House Bill No. 5265, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19703 (MCL 324.19703), as added by 2002 PA 397.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Committee Reports

The Committee on Transportation reported

House Bill No. 5089, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 601b, and 627 (MCL 257.320a, 257.601b, and 257.627), section 320a as amended by 2003 PA 61, section 601b as amended by 2001 PA 103, and section 627 as amended by 1990 PA 165, and by adding sections 79d and 616a.

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.

Judson Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported

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.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Judson Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: Senator Leland

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 2, 2003, at 1:00 p.m., Room 110, Farnum Building

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

The Committee on Families and Human Services reported

Senate Bill No. 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.

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

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, if the prospective adoptive parent is not a Michigan resident, 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 committee further recommends that the bill be given immediate effect.

Bill Hardiman
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Families and Human Services reported

House Bill No. 4478, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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

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

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: Senators Jacobs and Clark-Coleman

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, December 2, 2003, at 3:00 p.m., Room 210, Farnum Building

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

The Committee on Natural Resources and Environmental Affairs reported

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.

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

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.

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.

The Committee on Natural Resources and Environmental Affairs reported

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.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, December 2, 2003, at 3:00 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

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.

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

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

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 amendment recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

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. 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.

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. 823, entitled

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

With the recommendation that the substitute (S-2) 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

Senate Bill No. 829, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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. 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.

With the recommendation that the bill pass.

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

Alan L. Cropsey
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 2, 2003, at 1:00 p.m., Room 210, Farnum Building

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

Scheduled Meetings**Appropriations -****Subcommittee -**

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

Education - Tuesday, December 9, 11:30 a.m., Room 100, 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)

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

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:45 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, December 9, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

