

No. 98  
STATE OF MICHIGAN  
**Journal of the Senate**  
93rd Legislature  
REGULAR SESSION OF 2005

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Senate Chamber, Lansing, Wednesday, November 2, 2005.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present  
Barcia—excused  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—excused  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—excused  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—excused  
Hardiman—present  
Jacobs —present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—excused  
McManus—present

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

Elder Leon Thames Jr. of Rock of Ages Christian Ministries of Detroit offered the following invocation:

Father, we just want to thank You for this day, Father. Thank You for just waking us up this morning and starting us on our way, Father. Father, guide the Senators in the right way, Father. It's all about You, Father. Lead them in the right way where they can lead the people, Father. Give them wisdom and knowledge and understanding, Father; understanding about You, Father.

Lift us up this morning, Father. As You go on, Father, ask the people to help the Senators, Father, to strive for what they want to be striving for, Father. Lift us up this morning, Father, because You are a mighty God. You are a great God, Father. It's wonderful to be here, Father. Just lift us up this morning, Father, and guide every Senator, the government, Father, to understand all about You.

In Jesus' name. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

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

**Senate Bill No. 246**

**Senate Bill No. 318**

The motion prevailed.

Senator Cropsey moved that Senator Garcia be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Schauer moved that Senators Clark-Coleman, Leland, Scott, Thomas, Barcia and Brater be excused from today's session.

The motion prevailed.

The following communication was received:

Department of State

Administrative Rules

Notice of Filing

October 20, 2005

In accordance with the provisions of MCL 24.248, this is to advise you that the Department of Labor and Economic Growth, Office of Policy and Legislative Affairs filed at 9:02 a.m. this date, administrative rule (05-10-06E) for the Department of Labor and Economic Growth, Workers' Compensation Agency, entitled "*Worker's Compensation Agency-Group Self-Insurance-Emergency Rules*," effective upon filing with the Secretary of State.

Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:

Department of Human Services

October 27, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following report:

Type of Report  
Interim

Facility  
Delta County

License #  
DHSCP210201090

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications and Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,  
Marianne Udow

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

October 28, 2005

Enclosed is a copy of the following audit report:  
Performance audit of the Workers' Compensation and Long Term Disability Programs, Office of the State Employer,  
Department of Management and Budget.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Secretary for record.

The following communication was received and read:  
Office of the Senate Majority Leader

November 1, 2005

Pursuant to Senate Rule 3.203b, I am hereby re-referring House Bill 5293 from the Local, Urban and State Affairs Committee to the Economic Development, Small Business and Regulatory Affairs Committee.

Respectfully yours,  
Ken Sikkema  
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 1:  
**House Bill Nos. 4072 4271 4468 5268 5269 5332**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, November 1, for her approval the following bills:

**Enrolled Senate Bill No. 74 at 1:14 p.m.**  
**Enrolled Senate Bill No. 134 at 1:16 p.m.**

### Messages from the Governor

Senator Garcia entered the Senate Chamber.

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

**Senate Bill No. 272**  
**Senate Bill No. 271**  
**Senate Bill No. 264**  
**Senate Bill No. 274**  
**Senate Bill No. 281**

The motion prevailed.

The following messages from the Governor were received and read:

November 1, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 2 of 1960 PA 77, MCL 390.952:

#### **Michigan Higher Education Assistance Authority**

Mr. Jonathon D. Liebman of 6968 Brook Hollow Court, West Bloomfield, Michigan 48322, county of Oakland, succeeding Howard Weaver, whose term has expired, representing private occupational schools within this state, for a term commencing November 1, 2005 and expiring May 22, 2009.

Mr. Marshall (Dick) Shaink of 1520 East Second Street, Flint, Michigan 48503, county of Genesee, succeeding Juan Olivarez, whose term has expired, representing community colleges located within this state, for a term commencing November 1, 2005 and expiring May 22, 2009.

Mr. Nathaniel Smith-Tyge of 3 Park Place West, Allen Park, Michigan 48101, county of Wayne, succeeding Richard Fortier, whose term has expired, representing citizens of the state with an interest in higher education, for a term commencing November 1, 2005 and expiring May 22, 2009.

Mr. Harvey Hollins III of 42824 Pond Ridge Lane, Belleville, Michigan 48111, county of Wayne, reappointed to represent Wayne State University, for a term expiring May 22, 2009.

November 1, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 18305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18305:

**Michigan Board of Occupational Therapists**

Ms. Diane K. Andert, OTR, of 144 Waupakisco Beach, Battle Creek, Michigan 49015, county of Calhoun, succeeding Anita M. Berger, whose term has expired, representing occupational therapists, for a term commencing January 1, 2006 and expiring December 31, 2009.

Ms. Gerry E. Conti, M.S., OTR, of 1230 Westmoorland Boulevard, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Mintie C. Merck, whose term has expired, representing occupational therapists, for a term commencing January 1, 2006 and expiring December 31, 2009.

Mr. William M. Sisco, M.A., M.S., OTR, of 8260 East Drive North, Battle Creek, Michigan 49014, county of Calhoun, succeeding Christine J. Clayton, whose term has expired, representing occupational therapists, for a term commencing November 1, 2004 and expiring December 31, 2008.

November 1, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 17421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17421:

**Michigan Board of Optometry**

Ms. Winifred W. Motherwell of 1153 Haslett Road, Haslett, Michigan 48840, county of Ingham, succeeding Albert Nelson, Jr., whose term has expired, representing the general public, for a term commencing November 1, 2005 and expiring June 30, 2007.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Bishop as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 4403, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 1999 PA 60.

**House Bill No. 4369, entitled**

A bill to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties.

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

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

**Senate Bill No. 263, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 27a and 27b to chapter VIII.

Substitute (S-6).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 794, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 88, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3519, 3523, 3529, 3533, 3569, and 3571 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3533, 500.3569, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3523 and 3529 as amended by 2002 PA 304, and sections 3533, 3569, and 3571 as added by 2000 PA 252.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5050, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 788, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 120, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

Substitute (S-4).

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

## Resolutions

### Senate Resolution No. 69.

A resolution to urge the Federal Emergency Management Agency to reject proposed revisions to floodplain elevation thresholds in St. Clair County.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

### Introduction and Referral of Bills

**House Bill No. 4072, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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 Agriculture, Forestry and Tourism.

**House Bill No. 4271, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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 Agriculture, Forestry and Tourism.

**House Bill No. 4468, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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 Agriculture, Forestry and Tourism.

**House Bill No. 5268, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 85.

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. 5269, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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. 5332, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2024b.

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

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

### Statements

Senators Hardiman, Sikkema, Goschka and Clarke asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hardiman’s statement is as follows:

Mr. President, through you to the members of this body, I have a question. How is your day going? Does it seem rather ordinary? I’m sure that it seemed like an ordinary day that very important day—December 1, 1955. Someone once said that the problem with life is that it seems so daily, so ordinary. We get up, do the same things and finish the day the same way. I’m sure that Rosa Parks’ day started off as a pretty ordinary day. She went to work in a downtown department store, worked hard all day long, boarded a bus to return home and sat down. She was tired; tired of the physical work, but also tired of the injustice.

She refused to get up and she changed the course of history in this country and one might say around the world. Her memorial service will begin at 11:00 a.m.—in a few moments. I’d like to read a very brief history of Rosa Parks. Rosa Parks was born Rosa Louise McCauley in Tuskagee, Alabama. At the age of two, she moved to her grandparents’ farm

in Pinelevel, Alabama, with her mother and younger brother, Sylvester. At the age of 11, she enrolled in the Montgomery School for Girls, a private school founded by women from the Northern United States. The school's philosophy of self-worth was consistent with the advice she received to take advantage of the opportunities, now matter how few they were. After attending Alabama State Teacher's College, the young Rosa settled in Montgomery with her husband, Raymond Parks. The couple joined the local chapter of NAACP and worked quietly for many years to improve the lives of African Americans in the segregated South. Her refusal to give up her seat to a white man on an Alabama bus led to the formation of the Montgomery Improvement Association, led by the young pastor of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr. The Association called for a boycott of the city-owned bus company. The boycott lasted 382 days and brought Mrs. Parks and Dr. King and their cause to the attention of the world. A Supreme Court decision struck down the Montgomery ordinance under which Mrs. Parks had been fined and outlawed racial segregation on public transportation.

In 1957, Mrs. Parks and her husband moved to Detroit, Michigan, where Mrs. Parks served on the staff of United States Representative John Conyers. The Southern Christian Leadership Conference established an annual Rosa Parks freedom award in her honor. We have a park named after Rosa Parks in downtown Grand Rapids. Parks co-founded the Rosa and Raymond Parks institute for Self-Development to help young people pursue educational opportunities, get them registered to vote, and work toward racial peace. Mrs. Parks spent her last years living quietly in Detroit, where she died just recently at the age of 92.

A seemingly ordinary person with an ordinary spirit who took advantage of the opportunity to make a real difference. So my question to you today is how is your day going? Does it seem ordinary?

Senator Sikkema's statement is as follows:

I rise also to make a statement on the passing of Rosa Parks. As I think about this lady and her contributions to America, I am struck by what Abraham Lincoln said in the Gettysburg Address, which is probably one of the most famous, if not the most famous, speeches ever given in American history when he said, and I quote, "The world will little note nor long remember what we say here, but it can never forget what they did here." Of course, he was 100 percent wrong because that speech has always been remembered. I am sure that if he was talking about Rosa Parks and what she did and all the words that have been spoken about her in the last few days, he would've been exactly right. No one is going to remember what we say about this lady, but everybody will remember what that lady did.

From all superficial appearances, a relatively simple woman who in one single act of courage born out of a belief that every individual must be accorded decency and respect, that lady changed America. She changed our legal structure. She began to change our culture and she changed America's face to the world.

Rosa Parks clearly helped to launch a movement and began a process that doesn't end today, that recognizes that all American citizens must be given equal rights and deserve equal respect. That lady is a national hero and I'm struck how she became a national hero, being who she was, where she came from, and what she did. Her action was free from aggression, free from violence; it was free from strife, and yet, it beckoned this nation to examine itself—its very soul—and by doing what she did, issued a challenge to every community in this country, North and South, East and West.

In honoring the memory of this national hero, let us remember the courage, bravery, and integrity with which Rosa Parks lived her life. But maybe more importantly, recognize that with her passing, the torch has been passed to all of us.

Senator Goschka's statement is as follows:

I also want to rise to honor the great memory and legacy of Rosa Parks. The law was not always on the side of this great lady and African Americans. In 1857, the Supreme Court ruled in the *Dred Scott* decision that African American slaves, in particular, counted as only three-fifths of a person. That was when they were discussing the issue of congressional lines and how to draw and assign congressmen and women to serve in our nation's Capitol. Imagine that. In 1857, the Supreme Court says that a slave is only three-fifths of a person.

In 1896, in *Plessy v. Ferguson*, again the Supreme Court came along and ruled that in the use of rail cars, separate but equal is constitutional. That was 1896. Then, in 1899, in *Cumming v. Board of Education of Richmond County* in the state of Georgia, they actually ruled that in the area of education, that separate by equal was constitutional. It was institutionalized for years that if you're African American, somehow you were less than everybody else. Then the Supreme Court, in 1954, with a ruling *Brown v. Board of Education* in the state of Kansas—Topeka—they ruled that separate but equal is not right at all, and then, on December 1, 1955, Rosa Parks. She wasn't one who had planned on protesting, per se. She was not boisterous in her personality, but sitting in the fifth row of that bus, which was actually the black section, when all of the white seats were taken, she was asked to move and she just decided, "I'm just not going to move."

I will tell you, I'm so proud that some years back, my family—my wife and me, my children—we all walked the road that she went in Montgomery, Alabama, on that fateful day, on December 1, 1955, when she refused to give up her seat. We stood on the spot where she was arrested.

I never met Rosa Parks, but I know this: She will stand as an icon not just for civil rights for African Americans, but for all Americans. It is right that we take a moment to pause to honor what this great lady has done in our lifetime. Rosa Parks had a quiet dignity. She did not force herself upon anyone. Her very being and personality and character demanded immediate respect. We have lost a great American hero, for what this woman did will never be forgotten. She was 42 years old at the time—a seamstress—and she was tired, but she’s not tired anymore. What she paved for other Americans to follow, we should never forget. We should always revere her name. I am so thrilled that she spent much of her lifetime here in our great state of Michigan. She blessed us with her presence, and Michigan will not forget this great lady.

Senator Clarke’s statement is as follows:

First of all, for the record, I’d like to mention it’s will deep regret that I am not at the funeral of Rosa Parks. I’m here today because I was concerned that there may be some important issues on the Senate Appropriations Committee agenda that I needed to be aware of and vote on. So I would like to state that for the record.

I also would like our colleagues to be aware that Rosa Parks disobeyed the law, and by doing so, she helped make this country a better place to live. So I’d like to emphasize to all our colleagues here that we should make sure that our legal system is modified and that we don’t support measures that could many times limit our citizens’ ability to have real opportunity, true freedom, and the liberty that should be accorded all of us here in this state and in this country.

Mr. President, because of the importance of this occasion, the funeral today in the city of Detroit of Rosa Louise Parks, I do request that we rise in a moment of silence in memory of the honor of Rosa Louise Parks.

A moment of silence was observed in memory of civil rights activist Rosa Louise Parks.

### Committee Reports

The Committee on Transportation reported  
**Senate Bill No. 624, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 80.

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.

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, November 1, 2005, at 1:06 p.m., Room 110, Farnum Building

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

The Committee on Judiciary reported

**House Bill No. 5052, entitled**

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

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

**Senate Bill No. 686, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 552c. 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

**Senate Bill No. 685, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

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

**Senate Bill No. 714, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 5, and 7 (MCL 722.22, 722.25, and 722.27), section 2 as amended by 2004 PA 542, section 5 as amended by 1993 PA 259, and section 7 as amended by 2001 PA 108.

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. 5100, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7 (MCL 722.22 and 722.27), section 2 as amended by 2004 PA 542 and section 7 as amended by 2001 PA 108.

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

**House Bill No. 4335, entitled**

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

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. 4978, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," (MCL 28.421 to 28.435) by adding section 6.

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, November 1, 2005, at 1:00 p.m., Room 210, Farnum Building  
Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

**COMMITTEE ATTENDANCE REPORT**

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, November 1, 2005, at 3:00 p.m., Room 100, Farnum Building  
Present: Senators Allen (C), Toy, Schauer and Olshove  
Excused: Senator McManus

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Higher Education submitted the following:

Meeting held on Wednesday, November 2, 2005, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Goschka (C), Johnson, Hardiman, Cherry and Prusi

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, November 3, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations -**

**Subcommittee -**

**Capital Outlay** - Thursday, November 3, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, November 3, 1:00 p.m., Room 100, Farnum Building (373-2417)

**Education** - Thursday, November 3, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Michigan Capitol Committee** - Tuesdays, November 8 (CANCELED) and November 29, 3:00 p.m., Room 426, Capitol Building (373-0289)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 10:54 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Thursday, November 3, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate