

**No. 21**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Wednesday, March 9, 2005.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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—excused  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

Reverend Russell McReynolds of Central United Methodist Church of Lansing offered the following invocation:

We are a blessed people with a grateful heart for all the many ways You have and are granting us to do Your will in the midst of so many needs. Continue strengthening us to rise above our circumstances and to be more hopeful and helpful.

Indeed, we have the opportunity to make the state of Michigan and the larger world community a better place to live and have our being. Thank You for these sacrificial people and their sense of stewardship, who are before me. Be present with them as State Senators to make those decisions which are helpful in making this a better place to live; always working to aid those who are the least and last. Let our state, Your state, be an expression of a life-giving community, where everybody is viewed as somebody.

Help us to do those things that will demonstrate the more excellent way and give people hope and greater opportunity. Help us to choose life, rather than death. So we claim a world of peace with justice for all. Create good hearts and help us to better communicate with each other and be a representative government. Open our eyes and hearts to all the possibilities of being faithful to all the challenges before us. Help us to continue in our accountability to the responsibilities as elected officials. Surround us with a cloud of witnesses, reminding us again of the more excellent way of love and faithfulness.

This is our prayer. Amen.

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

### Motions and Communications

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

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2004 through December 31, 2004, and are available in the Secretary's office during business hours for public inspection:

#### Committee

Agriculture, Forestry and Tourism  
 Appropriations  
 Banking and Financial Institutions  
 Commerce and Labor  
 Economic Development, Small Business and Regulatory Reform  
 Education  
 Families and Human Services  
 Finance  
 Gaming and Casino Oversight  
 Government Operations  
 Health Policy  
 Judiciary  
 Local, Urban and State Affairs  
 Natural Resources and Environmental Affairs  
 Senior Citizens and Veterans Affairs  
 Technology and Energy  
 Transportation

#### Chairperson

Senator Gerald Van Woerkom  
 Senator Shirley Johnson  
 Senator Michael Bishop  
 Senator Jason Allen  
 Senator Alan Sanborn  
 Senator Wayne Kuipers  
 Senator Bill Hardiman  
 Senator Nancy Cassis  
 Senator Jason Allen  
 Senator Ken Sikkema  
 Senator Beverly Hammerstrom  
 Senator Alan Cropsey  
 Senator Laura Toy  
 Senator Patricia Birkholz  
 Senator Laura Toy  
 Senator Bruce Patterson  
 Senator Jud Gilbert

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 8:  
**House Bill Nos. 4100 4413**

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

Senator Johnson entered the Senate Chamber.

**Third Reading of Bills**

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

**Senate Bill No. 52**

**Senate Bill No. 53**

**Senate Bill No. 54**

**Senate Bill No. 151**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 52, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

The question being on the passage of the bill,

Senator Barcia offered the following amendments:

1. Amend page 5, line 20, after "stories," by striking out "**ADDING ADDITIONAL SPACE OR**".

2. Amend page 5, line 21, after "**FACILITY**" by inserting "**OR ADDING ADDITIONAL SPACE ON THE SAME FLOOR LEVEL NOT TO EXCEED 100% OF THE EXISTING FLOOR SPACE ON THAT FLOOR LEVEL**".

The amendments were 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. 22**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 53, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 17c of chapter XVII (MCL 777.17c), as added by 2002 PA 28.

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. 23**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 54, entitled**

A bill to amend 1979 PA 53, entitled “An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; to prohibit the sending of certain electronic messages; and to prescribe penalties,” by amending section 7 (MCL 752.797), as amended by 2000 PA 180, and by adding section 5b.

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. 24**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Sikkema

Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 151, entitled**

A bill to prohibit certain conduct relating to computer software, including spyware, and the unauthorized collection and use of information from computers; to prescribe the powers and duties of certain state agencies and officers; and to provide remedies.

The question being on the passage of the bill,

Senator Jacobs offered the following amendments:

1. Amend page 3, following line 6, by inserting:

“(i) “Employees” means an individual who performs services for an employer in exchange for financial remuneration. Employee includes, but is not limited to, a part-time, leased, or former employee.

(j) “Employer” means a person engaged in commerce or a person that obtains the services of individuals in exchange for financial remuneration.” and relettering the remaining subdivisions.

2. Amend page 8, following line 23, by inserting:

“Sec. 7. (1) Except as provided in subsection (2), an employer shall not, with actual knowledge, with conscious avoidance of actual knowledge, or willfully, cause computer software to be copied onto the computer of an employee for the purpose of collecting information concerning employee activities without first having provided notice to the employee.

(2) Subsection (1) does not apply if the employer has reasonable grounds to believe both of the following:

(a) A particular employee of the employer is engaged in conduct to which both of the following apply:

(i) The conduct violates the legal rights of the employer or another person.

(ii) The conduct involves significant harm to the employer or the other person.

(b) The collection of information as described in subsection (1) will produce evidence of the conduct described in subdivision (a).

(3) Not later than 1 year after first providing notice under subsection (1) and annually thereafter, an employer shall provide notice to all employees of the employer who are subject to information collection under subsection (1). Before implementing a material change in the way the employer collects information under subsection (1), an employer shall provide notice to all employees of the employer who are subject to information collection under subsection (1) as a result of the change.

(4) The rights provided by this section may not be waived by contract or otherwise unless the waiver is part of a written settlement to a pending action or complaint.

(5) As used in this section, “notice” means a clear and conspicuous notification, in a manner reasonably calculated to provide actual notice, describing all of the following with respect to the information being collected under subsection (1):

(a) The form of computer usage that will be monitored.

(b) The means by which the information will be collected and the kinds of information that will be obtained, including whether computer usage not related to the employer's business is likely to be monitored.

(c) The frequency of the monitoring.

(d) How information obtained by the monitoring will be stored, used, and disclosed.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 25**

**Yeas—15**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Switalski
Bernero	Clarke	Olshove	Thomas
Brater	Emerson	Prusi	

**Nays—22**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

**Excused—1**

Scott

**Not Voting—0**

In The Chair: Sanborn

Senator Brater offered the following amendment:

1. Amend page 8, following line 23, by inserting:

“Enacting section 1. This act does not take effect unless Senate Bill No. 284 of the 93rd Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not 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. 26**

**Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas

Bishop  
Brater  
Brown  
Cassis  
Cherry

George  
Gilbert  
Goschka  
Hammerstrom

Leland  
McManus  
Olshove  
Patterson

Switalski  
Thomas  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Scott

**Not Voting—0**

In The Chair: Sanborn

The Senate agreed to the title of the bill.

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 Assistant President pro tempore, Senator Sanborn, designated Senator Jelinek as Chairperson.

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

**Senate Bill No. 72, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1304. 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 amendment, the following bill:

**Senate Bill No. 223, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 38e (MCL 208.38e), as amended by 2003 PA 273.

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

1. Amend page 4, line 13, by striking out all of line 13 through “1322,” on line 15 and inserting “**AUTHORIZED UNDER THE WORKFORCE INVESTMENT ACT IN 29 USC 2832**”.

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

**Resolutions**

**Senate Resolution No. 9.**

A resolution to express support for the mission of Rural Partners of Michigan and calling for increased investment in this work.

The question being on the adoption of the resolution,  
The resolution was adopted.

Senator Emerson offered the following resolution:

**Senate Resolution No. 15.**

A resolution to call on the Congress of the United States to reject plans to privatize Social Security by cutting Social Security's guaranteed benefits and diverting money out of Social Security into private investment accounts and to call on Congress to commit to repaying to the Social Security Trust Fund the monies it has taken and spent for other purposes.

Whereas, Social Security's income protections—guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits—are the backbone of retirement security and family protection in the United States; and

Whereas, Social Security provides crucial, often indispensable income protection for the 47 million individuals—one of every six Americans—receiving benefits; and

Whereas, Social Security is the nation's most successful and most important family income protection program, but it has long-term funding needs we should address; and

Whereas, Some policy makers propose to address these needs by cutting guaranteed benefits and privatizing Social Security by diverting one-third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

Whereas, Privatization will worsen Social Security's funding needs by draining resources from the trust fund into private accounts, increasing the federal deficit by \$2 trillion over the first decade alone and more in the future and putting us deeper in debt to foreign creditors; and

Whereas, Some officials and members of Congress have suggested the federal government will not pay back the money it has taken from the Social Security Trust Fund over the past 20 years and used for other purposes, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

Whereas, Privatizing Social Security will cut guaranteed benefits by 30 percent for young workers, even for those who do not participate in private accounts, costing them more than \$152,000 over the course of their retirements, denying them benefits they have earned, and imperiling their economic security; and

Whereas, Cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans. It provides at least half the income of nearly two-thirds of older American households and keeps more than 11 million seniors out of poverty; and

Whereas, Cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security for most of their retirement income, for they earn less than white men and are thus less able to save for retirement, and they are less likely than white men to receive job-based pensions in retirement; and

Whereas, Diverting resources from Social Security to fund private accounts will threaten guaranteed benefits and will increase demand for public assistance at the very moment growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto states and localities; and

Whereas, Congress should not rush through drastic and damaging changes in Social Security that undermine its family-income protections. Congress should instead take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to commit to paying back to the Social Security Trust Fund all of the money that was borrowed and spent on other things; to study carefully a variety of potential changes that will address Social Security's problems while ensuring the program will continue to meet its purpose of providing income protection and economic security for America's families; to make only changes to Social Security that strengthen family income protections without slashing guaranteed benefits or exploding the deficit; and to reject proposals to divert money out of Social Security to fund private accounts; and be it further

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

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

Senators Barcia, Basham, Bernero, Brater, Cherry, Clark-Coleman, Clarke, Jacobs, Olshove, Prusi, Schauer, Switalski and Thomas were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senator Switalski introduced  
**Senate Bill No. 291, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

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



Senator Switalski introduced  
**Senate Bill No. 292, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 2 (MCL 207.212), as amended by 2002 PA 667.

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

Senators McManus, Switalski, Kuipers, Allen, Birkholz, Garcia and Goschka introduced  
**Senate Bill No. 293, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 761 (MCL 168.761), as amended by 1996 PA 207.

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

Senator Bishop introduced  
**Senate Bill No. 294, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

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

Senators Jacobs, Cherry, Switalski, Bernero, Clark-Coleman, Schauer, Thomas, Barcia, Brater, Olshove, Leland, Prusi, Basham, Clarke and Emerson introduced

**Senate Bill No. 295, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Senators Thomas, Switalski, Brater, Schauer, Jacobs, Clark-Coleman, Bernero, Prusi, Cherry, Leland, Olshove, Basham, Clarke and Emerson introduced

**Senate Bill No. 296, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding chapter 5A; and to repeal acts and parts of acts.

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

**House Bill No. 4100, entitled**

A bill to amend 1846 RS 2, entitled "Of the legislature," by amending section 4 (MCL 4.84); 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 Government Operations.

**House Bill No. 4413, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 (MCL 770.16), as added by 2000 PA 402.

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.

### Statements

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

The motion prevailed.

Senator Bishop's statement is as follows:

For some time, we've heard a lot of talk about the need for insurance premium rate relief in this state. Despite the political rhetoric to the contrary, rate relief is a universal goal for all of us, whether you represent Sturgis, Michigan; you represent Grand Rapids, Michigan; or Taylor, Michigan. We all have a unified goal for insurance rate relief. It doesn't matter where you represent. I represent Rochester. Sturgis, Sterling Heights, Taylor, Michigan, and Detroit, Michigan—wherever—we all share in this goal of insurance rate relief. So the question that all of us have to answer is what can this legislative body do to provide that relief?

Well, that very question is being discussed in the Committee on Banking and Financial Institutions, and actually, we have recently assembled a workgroup to give a closer look and meet to discuss ways that this Legislature can make meaningful progress in the area of insurance rate relief. We're also in this process of identifying specific remedies which, while allegedly being offered to provide rate relief, will have exactly the opposite effect and will result in increases to Michigan premium payers across this state. This is most certainly the case with the recent effort to ban the use of credit scores to discount insurance premiums.

As you all know by now, the Office of Financial and Insurances Services, otherwise known as OFIS, has proposed rules which would prohibit insurers from offering premium discounts on the basis of insurance credit scores for auto, home, and other personal lines insurance in Michigan. The proposed rules would also mandate the lowering of base rates for such coverages.

In accordance with the legislative review process provided by the Administrative Procedures Act of 1969, OFIS's rules were considered by the Joint Committee on Administrative Rules, otherwise known as JCAR, of which I serve as the co-chair. It's a bipartisan committee, and we considered that on February 17, 2005.

On that date, JCAR voted to formally object to the proposed rules on three primary grounds. First, the rules were inconsistent with the state law and the insurance code. Second, they exceed the rule-making authority of the OFIS and the OFIS commission. And third, they lack a factual or scientific basis and are, therefore, arbitrary and capricious. Serving as chair of that committee, I can tell you that firsthand. We have reviewed this issue, and there is no factual or legal basis for these rules.

Of greatest concern is that it really takes the power away from—the constitutional power—of this body. We are in charge of the rules, of the policy-making in this government, and we have seen firsthand a violation of state law and the constitutional separation of powers, which is specifically reserved for this State Legislature.

Following JCAR's objection to the proposed rules, pursuant to section 24.245a of the Administrative Procedures Act, Senate Bill No. 233 was introduced on February 22nd and placed directly on the Senate Calendar. The bill, in effect, would rescind the proposed insurance rules upon their effective date. That same legislation was introduced in the House, known as House Bill No. 4374, and that, too, was placed directly on the House Calendar.

Since House Bill No. 4374 and Senate Bill No. 233 were introduced on February 22nd, however, the Governor has made it clear, and while I'm not used to getting vetoed, I take attention to what she says when she says she will veto these bills. It would be futile for us to take up these bills and pointless to pursue passage of Senate Bill No. 233.

This should be of great concern to this legislative body, this constitutionally-sworn legislative body, that our powers have been removed, that we have ceded control of our legislative duties. I would suggest to you that we take note and not allow this to happen in the future.

In this case, it appears readily apparent that the judicial branch will have to address these issues that were taken up by JCAR.

### Committee Reports

The Committee on Judiciary reported

**House Bill No. 4233, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 16 (MCL 431.316).

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, 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. 4210, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported  
**Senate Bill No. 74, entitled**

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

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. 134, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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. 193, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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 and Patterson

Nays: Senators Schauer and Brater

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 8, 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, March 8, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Schauer

Excused: Senator Olshove

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Capital Outlay** - Thursday, March 10, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Commerce, Labor and Economic Development** - Wednesdays, March 23, April 13, April 20 and April 27, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

**General Government** - Tuesdays, March 22, April 12, April 19 and April 26, 1:00 p.m., Room 810, Farnum Building (373-2420)

**Higher Education** - Tuesday, March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**History, Arts, and Libraries** - Tuesdays, March 15, March 22 and April 19, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Monday, April 11, 5:00 p.m., Kalamazoo (location to be announced) (373-0793)

**Transportation Department** - Tuesdays, March 15, March 22, April 12 and April 19, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Families and Human Services and House Family and Children Services** - Thursday, March 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1801) (CANCELED)

**Legislative Council** - Thursday, March 10, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-0212)

**Local, Urban and State Affairs** - Thursdays, March 10, 1:00 p.m., Lecture Hall 1100, Center for Higher Education, Muskegon Community College, 221 S. Quarterline Road, Muskegon; and March 17, 1:00 p.m., DiPonio Room (#500-D), VisTaTech Center, Schoolcraft Community College, 18600 Haggerty Road, Livonia (373-1707)

**Michigan Capitol Committee** - Tuesday, March 15, 12:00 noon, Room 426, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:48 a.m.

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

CAROL MOREY VIVENTI  
Secretary of the Senate