

No. 68
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, November 14, 2002.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Garcia—excused
Gast—excused
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Johnson—present
Koivisto—excused
Leland—present
McCotter—excused
McManus—excused
Miller—present
Murphy—present
North—present
Peters—present

Sanborn—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Reverend Reed Swanson of First Methodist Church of Richmond offered the following invocation:

Almighty God, we come before You today, and as we look outside, we see the weather turning colder. We turn inward to thoughts of warmth and to thoughts of being indoors and out of the cold. As we do, help us also to look inward towards ourselves, and help us to use this time to think on the things that we wish were and what we know we ought to be.

Almighty Father, we know that You seek to speak to us and that You seek to lead and guide us, but too often, the sounds of the world drown You out. We ask in a moment like this that You would quiet our minds and still our hearts, and allow Your Word to speak directly to us.

Guide us, lead us, and help us to make the community in which we live and the state in which we live places more like You would have them be, for that is our truest desire as we follow an example of Your son, our Lord and Savior Jesus Christ. It is in His name that we pray. Amen.

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

Motions and Communications

Senators Schwarz, Sikkema, Murphy and Dingell entered the Senate Chamber.

Senator Emmons moved that Senators Bullard and Hoffman be temporarily excused from today's session. The motion prevailed.

Senator Emmons moved that Senators McManus and Gast be excused from today's session. The motion prevailed.

Senator Emerson moved that Senator Smith be temporarily excused from today's session. The motion prevailed.

Senator Emerson moved that Senator Koivisto be excused from today's session. The motion prevailed.

Senators Smith and Bullard entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

November 12, 2002

Pursuant to Senate Resolution No. 159, I hereby appoint the following members to the Medicaid Buy-In Task Force:

Senator Shirley Johnson, Chair, Representing the Michigan Senate
 Senator Beverly Hammerstrom, Representing the Michigan Senate
 Senator Alma Wheeler Smith, Representing the Michigan Senate
 Gerry Mutty, Representing the Commission on Disability Concerns
 Lynn Ross, Representing the Benefits Planning Assistance and Outreach Coalition
 Vince Catalanotti, Representing employers
 Michael Zelle, Director, Representing MI Job Coalition
 Janet Ellis, Representing workers with disabilities
 R. Anthony Wong, Representing workers with disabilities
 Kelly Bartlett, Representing the Department of Management and Budget
 Carol Isaacs, Representing the Department of Community Health
 June Morse, Representing the Department of Career Development
 If you have any questions, please feel free to contact me.

Sincerely,
 Dan DeGrow
 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 Wednesday, November 13:

**House Bill Nos. 4607 4857 5014 5705 6069 6162 6219 6327 6328 6329 6478 6479 6480 6481
6501 6502**

The Secretary announced the printing and placement in the members' files on Wednesday, November 13, of:
Senate Bill Nos. 1491 1492 1493 1494 1495 1496 1498 1499 1505 1506 1507

Messages from the Governor

The following message from the Governor was received on November 13, 2002, and read:

EXECUTIVE ORDER No. 2002 - 21

Michigan Aquatic Nuisance Species Council

Office of The Great Lakes Department of Environmental Quality Department of Natural Resources Department of Agriculture Department of Transportation

Whereas, aquatic nuisance species are causing great harm to Michigan's economy and threatening biodiversity, native species and ecosystem health in Michigan; and

Whereas, Michigan's waters are at risk for new introductions of aquatic nuisance species entering from adjoining states and from other parts of the world; and

Whereas, Michigan has completed Michigan's Aquatic Nuisance Species State Management Plan Update of 2002, as required under authority of Section 1204 of the federal Nonindigenous Aquatic Nuisance Species Prevention and Control Act of 1990; and

Whereas, a partnership of the Michigan Departments of Environmental Quality, Natural Resources, Agriculture, and Transportation, as well as other states and federal agencies in the Great Lakes basin, is necessary to prevent and control the damage caused by aquatic nuisance species.

Now, Therefore, I, John Engler, Governor of the State of Michigan pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. DEFINITIONS

A. Aquatic nuisance species means waterborne, non-native organisms that threaten the diversity or abundance of native species, the ecological stability of impacted waters, that threaten a commercial, agricultural, aquacultural, or recreational activity dependent on waters of the state.

B. The "Council" means the Michigan Aquatic Nuisance Species Council established by this Order.

C. The Department of Agriculture means the principal department of state government created by Section 175 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.275 of the Michigan Compiled Laws.

D. The "Department of Environmental Quality" means the principal department of state government created by Executive Order 1995-18, being Section 324.99903 of the Michigan Compiled Laws.

E. The "Department of Natural Resources" means the principal department of state government created by Section 250 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.350 of the Michigan Compiled Laws.

F. The "Department of Transportation" means the principal department of state government created by Section 350 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.450 of the Michigan Compiled Laws.

G. The "Great Lakes Panel on Aquatic Nuisance Species" means the regional panel officially convened in 1991 by the Great Lakes Commission in response to Section 1203 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L. 101-646), being Title 16 of the United States Code Section 4724.

H. "Michigan's Aquatic Nuisance Species State Management Plan Update of 2002" means the document titled: "Michigan's Aquatic Nuisance Species Management Plan Update: Prevention and Control in Michigan Waters" as an update to the original 1996 plan approved under authority of Section 1204 of the federal Nonindigenous Aquatic Nuisance Species Prevention and Control Act of 1990 (P.L. 101-646), being Title 16 of the United States Code Section 4725.

I. The "Office of the Great Lakes" means the office created by Section 32903 of Act No. 451 of the Public Acts of 1994, as amended, being Section 324.32903 of the Michigan Compiled Laws, which was subsequently transferred to

the Department of Environmental Quality by Executive Order 1995-18, being Section 324.99903 of the Michigan Compiled Laws.

II. MICHIGAN AQUATIC NUISANCE SPECIES COUNCIL

A. The Aquatic Nuisance Species Council is hereby created within the Office of the Great Lakes as an advisory body to the Office of the Great Lakes and the Departments of Environment Quality, Natural Resources, Agriculture, and Transportation.

B. The members of the Council shall include:

1. The Director of the Office of the Great Lakes, who shall act as the chair of the Council;
2. The Director of the Department of Environmental Quality, or his or her designee;
3. The Director of the Department of Natural Resources, or his or her designee;
4. The Director of the Department of Agriculture, or his or her designee; and
5. The Director of the Department of Transportation, or his or her designee.
6. Four members from the public appointed by the Governor.

a. These four (4) appointees shall hold office for a term of two (2) years. However, of the appointees initially appointed, the Governor shall designate two (2) of the Governor's appointees to serve a term of one (1) year and two (2) to serve a term of two (2) years.

b. A vacancy on the Council caused by the expiration of a term or by any other cause of termination of membership on the Council shall be filled in the same manner as the original appointment.

c. An appointee appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the appointee who he or she is to succeed in the same manner as the original appointment.

d. An appointee may be re-appointed for additional terms.

III. CHARGE TO THE COUNCIL

The Council shall advise the Office of the Great Lakes and the Departments of Environment Quality, Natural Resources, Agriculture and Transportation on:

A. The implementation of Michigan's Aquatic Nuisance Species State Management Plan Update of 2002;

B. The state's efforts to prevent and control aquatic nuisance species introduction and spread within Michigan, in order to minimize the economic and environmental impacts of aquatic nuisance species by maximizing inter-departmental coordination of existing aquatic nuisance species programs;

C. Issues pertaining to preventing and controlling the spread of aquatic nuisance species within the state for new aquatic nuisance species programs;

D. Information/education activities about aquatic nuisance species;

E. The coordination of research and monitoring activities pertaining to aquatic nuisance species; and

F. Revising and updating Michigan's Aquatic Nuisance Species State Management Plan, as necessary.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed by personnel within the Office of the Great Lakes, and the chair shall appoint a coordinator for the Council.

B. The Council shall meet at least 2 times per year at the call of the chair. Meetings of the Council may be held at any location within the state of Michigan and may be conducted by conference call or teleconference.

C. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The Council shall act by a majority vote of its serving members.

D. The Council may adopt procedures, not inconsistent with law and with this Order, governing its organization, operation and procedure.

E. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may consult with outside experts in order to perform its duties.

F. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget, the Civil Service Commission and the State Court Administrative Office.

G. Members of the Council shall refer all legal, legislative and media contacts to the director of the Office of the Great Lakes.

H. All departments, committees, commissioners, or officers of the state or of any political subdivision thereof shall give to the Council, or to any member or representative thereof, any necessary assistance required by the Council, or any member or representative thereof, in the performance of the duties of the Council so far as is compatible with its, his or her duties. Free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the Council.

V. MISCELLANEOUS

A. Any suit, action or other proceeding lawfully commenced by, against or before any entity effected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.
The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 13th day of November, in the Year of our Lord, Two Thousand Two.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 557, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 1995 PA 290.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 900

Yeas—30

Bennett	Emmons	Murphy	Shugars
Bullard	Goschka	North	Sikkema
Byrum	Gougeon	Peters	Smith
Cherry	Hammerstrom	Sanborn	Steil
DeBeaussaert	Hart	Schuette	Stille
DeGrow	Johnson	Schwarz	Van Regenmorter
Dingell	Leland	Scott	Young
Emerson	Miller		

Nays—0

Excused—7

Garcia	Hoffman	McCotter	Vaughn
Gast	Koivisto	McManus	

Not Voting—1

Dunaskiss

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the full title.

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

Senator Hoffman entered the Senate Chamber.

Senator Emmons moved that the bill be given immediate effect.
On which motion Senator Emmons requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 901**Yeas—30**

Bennett	Goschka	Murphy	Shugars
Bullard	Gougeon	North	Sikkema
Byrum	Hammerstrom	Peters	Smith
DeBeaussaert	Hart	Sanborn	Steil
DeGrow	Hoffman	Schuette	Stille
Dunaskiss	Johnson	Schwarz	Van Regenmorter
Emerson	Leland	Scott	Young
Emmons	Miller		

Nays—0**Excused—7**

Cherry	Gast	McCotter	Vaughn
Garcia	Koivisto	McManus	

Not Voting—1

Dingell

In The Chair: President

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

Senate Bill No. 1337, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 232b. Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 902**Yeas—31**

Bennett	Emmons	Miller	Shugars
Bullard	Goschka	Murphy	Sikkema
Byrum	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hart
Hoffman
Johnson
Leland

Sanborn
Schuette
Schwarz
Scott

Stille
Van Regenmorter
Young

Nays—0

Excused—7

Cherry
Garcia

Gast
Koivisto

McCotter
McManus

Vaughn

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 5468, entitled

A bill to amend 1982 PA 432, entitled “Motor bus transportation act,” by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

Senator Emmons moved that consideration of the bill be postponed for today.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1238

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

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Emmons 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 Posthumus, designated Senator Hoffman as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1238, entitled

A bill to amend 1905 PA 282, entitled “An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight,

stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 4, 5, and 9 (MCL 207.4, 207.5, and 207.9), sections 4 and 9 as amended by 1995 PA 257.

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.

Senator Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 1127

Senate Bill No. 1368

Senate Bill No. 1448

Senate Bill No. 1449

Senate Bill No. 1450

Senate Bill No. 1451

Senate Bill No. 1452

Senate Bill No. 1419

Senate Bill No. 1121

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1127, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a and 520e as amended by 2000 PA 505, section 520b as amended by 1983 PA 158, section 520c as amended by 2000 PA 227, and section 520d as amended by 1996 PA 155.

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. 903

Yeas—32

Bennett	Emerson	Leland	Scott
Bullard	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young

Nays—0

Excused—6

Garcia
Gast

Koivisto
McCotter

McManus

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1368, entitled

A bill to amend 1968 PA 319, entitled “An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority,” by amending section 8 (MCL 28.258), as amended by 1995 PA 39.

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. 904**Yeas—32**

Bennett	Emerson	Leland	Scott
Bullard	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young

Nays—0**Excused—6**

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1448, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1307a and 1344 (MCL 600.1307a and 600.1344), section 1307a as amended by 1986 PA 104 and section 1344 as amended by 1982 PA 226.

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. 905**Yeas—32**

Bennett	Emerson	Leland	Scott
Bullard	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young

Nays—0**Excused—6**

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1449, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 151d.

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. 906**Yeas—31**

Bennett	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young
Emerson	Leland	Scott	

Nays—0**Excused—6**

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—1

Bullard

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1450, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 151e.

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. 907**Yeas—31**

Bennett	Emmons	Miller	Shugars
Bullard	Goschka	Murphy	Sikkema
Byrum	Gougeon	North	Smith
Cherry	Hammerstrom	Peters	Steil
DeBeaussaert	Hart	Sanborn	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dingell	Johnson	Schwarz	Young
Dunaskiss	Leland	Scott	

Nays—0**Excused—6**

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cherry moved that Senator Emerson be temporarily excused from the balance of today’s session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1451, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 1999 PA 73.

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. 908

Yeas—31

Bennett	Emmons	Miller	Shugars
Bullard	Goschka	Murphy	Sikkema
Byrum	Gougeon	North	Smith
Cherry	Hammerstrom	Peters	Steil
DeBeaussaert	Hart	Sanborn	Stille
DeGrow	Hoffman	Schuetter	Van Regenmorter
Dingell	Johnson	Schwarz	Young
Dunaskiss	Leland	Scott	

Nays—0

Excused—7

Emerson	Gast	McCotter	Vaughn
Garcia	Koivisto	McManus	

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1452, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529 and 8371 (MCL 600.2529 and 600.8371), section 2529 as amended by 2001 PA 202 and section 8371 as amended by 1996 PA 388.

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. 909

Yeas—30

Bennett	Goschka	Murphy	Shugars
Bullard	Gougeon	North	Sikkema
Byrum	Hammerstrom	Peters	Smith
DeBeaussaert	Hart	Sanborn	Steil
DeGrow	Hoffman	Schuetter	Stille
Dingell	Johnson	Schwarz	Van Regenmorter
Dunaskiss	Leland	Scott	Young
Emmons	Miller		

Nays—0**Excused—7**Emerson
GarciaGast
KoivistoMcCotter
McManus

Vaughn

Not Voting—1

Cherry

In The Chair: President

The Senate agreed to the title of the bill.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1419, entitled

A bill to amend 2001 PA 122, entitled “Equitable sales and use tax administration act,” by amending section 17 (MCL 205.167).

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. 910**Yeas—25**Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
EmersonEmmons
Gougeon
Hammerstrom
Hart
Johnson
LelandMiller
Murphy
North
Peters
Schwarz
ScottSikkema
Smith
Steil
Stille
Van Regenmorter
Young**Nays—6**Bennett
DunaskissGoschka
Sanborn

Schuette

Shugars

Excused—6Garcia
GastKoivisto
McCotter

McManus

Vaughn

Not Voting—1

Hoffman

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1121, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 3, line 21, enacting section 1, after “sections” by striking out “16216, 16401, and 16411 of the public health code, 1978 PA 368, MCL 333.16216” and inserting “16261, 16401, and 16411 of the public health code, 1978 PA 368, MCL 333.16261”.

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

Senator Hammerstrom offered the following amendment:

1. Amend page 3, line 21, enacting section 1, after “enactment.” by striking out the balance of the enacting section.

The amendment 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. 911**Yeas—32**

Bennett	Emerson	Leland	Scott
Bullard	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young

Nays—0**Excused—6**

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 278

The resolution consent calendar was adopted.

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 278.

A resolution designating the week of November 24-30, 2002, as Michigan Family Week: Connections Count.

Whereas, The Michigan Senate recognizes that strong families are the center of strong communities; and

Whereas, All Michigan citizens and organizations contribute to making families successful, including municipalities, neighborhood organizations, businesses, nonprofit organizations, public officials, and most importantly, the families themselves; and

Whereas, During Thanksgiving week, we all should take time to honor the importance of families and recognize the special connections that support and strengthen families year round; now, therefore, be it

Resolved by the Senate, That the week of November 24-30, 2002, be hereby designated as Family Week: Connections Count in Michigan; and be it further

Resolved, That this legislative body encourage all Michigan citizens and organizations to recommit to enhancing and extending connections in all families.

Senator Emerson offered the following resolution:

Senate Resolution No. 277.

A resolution honoring Augustus Moore Herring for 36 outstanding years in aviation service.

Whereas, Augustus Moore Herring was born in Georgia in 1867 to Cloe Berry Conyers and William F. Herring, a wealthy cotton broker. At a young age, Augustus knew he wanted to be involved in aviation. In 1888, while attending the Stevens Institute of Technology, he began building models of flying machines. By 1893, he had built a full-sized glider which he crashed. He was also testing rubber band-powered models; and

Whereas, In 1894, Augustus Herring built a Type 11 monoplane glider based on Lilienthal's patent submitted in Germany in 1893. He built several versions of his own glider based on the Lilienthal design, incorporating some of his own recalculations of Lilienthal's coefficients of lift. One of these designs had a horizontal tail and rudders in front for steering. He flew those designs successfully, but control was at a minimum. Later in the year, Octave Chanute hired Augustus Herring to build model and full-sized gliders; and

Whereas, In 1895, Octave Chanute and Augustus Herring tested gliders with three types of wings. Those tests were conducted from the Huron Street Beach in Chicago, Illinois. One of these particular aircrafts was successful and is now on display in the Museum of Science and Industry in Chicago. Augustus Herring took a position with Professor Samuel Pierpont Langley, where he convinced the professor to use a curved shape airfoil (an aerocurve) instead of a flat wing. Mr. Herring was responsible for many major changes in configuration that led to the successful aerodrome flights of 1896. One of those changes was an elastic hinged tail called the Herring Regulator, which automatically stabilized the models in gusty conditions. He also built a high temperature burner for steam engines and changed the designs used on Professor Langley's models; and

Whereas, In 1896, Augustus Herring returned to Octave Chanute's team and flew a variety of gliders. When Augustus Herring and Charles Avery added an elastic tail to one of the biplane designs, a very successful glider was created and called the Chanute-Herring Glider. Mr. Herring submitted a patent and was rejected. That was possibly the earliest patent application of its type in this country; and

Whereas, Financed by Matthias Arnot of Elmira, New York, Augustus Herring developed a flying machine while he lived in St. Joseph, Michigan. On October 10, 1898, Mr. Herring flew a two-cylinder compressed air engine aircraft from Silver Beach to St. Joseph. He did this five years before the Wright brothers flew their first Flyer; and

Whereas, In 1902, Augustus Herring rebuilt Chanute's Katydid aircraft and flew it for the Wright brothers at Kitty Hawk. On December 28, 1903, he wrote to the Wright brothers suggesting they form a company to produce an aeroplane. The Wright brothers did not agree, but Wilbur Wright wrote to Octave Chanute saying that their machine was similar to the one that Mr. Chanute and Mr. Herring built in 1896; and

Whereas, In 1903, Augustus Herring moved to New York and bought Glenn H. Curtiss' small manufacturing business and formed the Herring-Curtiss Company. That was the first company specifically established to manufacture airplanes as a business. Two of those planes were the competition-winning Rheims Racer and Golden Flyer, the first aeroplane to be sold commercially. Though the company planned to deliver a plane to the U.S. Army Signal Corps, other projects

prevented it from doing so. Later, it went bankrupt when Augustus Herring was setting up the Herring-Burgess Company in Massachusetts, where numerous aircraft were built—one of them which made the first recognized public flight in New England; and

Whereas, Though Mr. Herring did some engineering work for the military during World War I, much of the remainder of his life was spent on his lawsuit against Glenn Curtiss. Augustus Herring died in 1926 at the age of 59, and his lawsuit was settled and paid in 1932; and

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Augustus Moore Herring put forth on behalf of people that we offer this expression of our thanks and gratitude. As the people of Michigan recognize the loyalty, love, and devotion that Mr. Herring put towards aviation, we add our sentiments of indebtedness for a job well done. This has been deeply appreciated, both by citizens and organizations throughout Michigan that have benefited directly from his works. We offer our thanks for this personal endeavor; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor Augustus Moore Herring for 36 outstanding years in aviation service; and be it further

Resolved, That a copy of this resolution be transmitted to the Museum of Science and Industry in Chicago, Illinois, as a token of our esteem.

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

Senator Emmons moved that the rule be suspended.

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

The resolution was adopted.

Senator Emerson moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senate Concurrent Resolution No. 74.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 67, p. 2193.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 1238

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Steil introduced

Senate Bill No. 1516, entitled

A bill to ensure fair and open competition for all public construction contracts; to prohibit the state and any political subdivision from entering into certain construction contracts; to prohibit discrimination against others for certain associations; and to regulate the use of public funds.

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

Senator Hammerstrom introduced

Senate Bill No. 1517, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17748a, 17748b, 17748c, 17748d, 17748e, 17748f, 17748g, 17748h, 17748i, 17748j, 17748k, 17748l, 17748m, 17748n, 17748o, 17748p, 17748q, 17748r, 17748s, 17748t, and 17748u.

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

Senator Bullard introduced

Senate Bill No. 1518, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4061 and 4061a (MCL 600.4061 and 600.4061a), section 4061 as amended and section 4061a as added by 1994 PA 346.

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

Senator Schuette introduced

Senate Bill No. 1519, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2001 PA 93.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Bennett introduced

Senate Bill No. 1520, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

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

House Bill No. 4607, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2213c.

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 Financial Services.

House Bill No. 4857, entitled

A bill to regulate certain contracts and transactions and involving athlete agents and student athletes in this state; to require certain disclosures; to create certain causes of action; and to provide for remedies and penalties.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5014, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 16315, 16335, 17801, and 17820 (MCL 333.16263, 333.16315, 333.16335, 333.17801, and 333.17820), section 16263 as amended by 2001 PA 139, section 16315 as amended by 2001 PA 232, section 16335 as added by 1993 PA 80, and sections 17801 and 17820 as amended by 1987 PA 213, and by adding sections 17823, 17824, and 17825.

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 Health Policy.

House Bill No. 5705, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; 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 Appropriations.

House Bill No. 6069, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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. 6162, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 2862 and 2882a.

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 Health Policy.

House Bill No. 6219, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80166 (MCL 324.80166), as added by 1995 PA 58, and by adding section 80166a.

The House of Representatives has passed the bill.

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

House Bill No. 6327, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2409, 2409a, and 2409c (MCL 500.2409, 500.2409a, and 500.2409c), sections 2409 and 2409a as amended by 1993 PA 200 and section 2409c as added by 1986 PA 318.

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 Financial Services.

House Bill No. 6328, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending section 17 (MCL 490.17), as amended by 1992 PA 246.

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.

House Bill No. 6329, entitled

A bill to amend 1978 PA 232, entitled "An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

The House of Representatives has passed the bill by a 2/3 vote 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.

House Bill No. 6478, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.

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. 6479, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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. 6480, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as amended by 2001 PA 168.

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. 6481, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

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. 6501, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as added by 2000 PA 143.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 6502, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 13 and 15 (MCL 125.2663 and 125.2665), as amended by 2000 PA 145.

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 Economic Development, International Trade and Regulatory Affairs.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 1238, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 4, 5, and 9 (MCL 207.4, 207.5, and 207.9), sections 4 and 9 as amended by 1995 PA 257.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Emmons offered the following amendments:

1. Amend page 2, line 16, after "DECEMBER 31," by striking out "2004" and inserting "2005".
2. Amend page 3, line 26, after "DECEMBER 31," by striking out "2002" and inserting "2005".
3. Amend page 5, line 12, after "DECEMBER 31," by striking out "2002" and inserting "2005".
4. Amend page 6, line 13, after "JANUARY 1, 2003," by striking out "2003" and inserting "2006".

The amendments were adopted, a majority of the members serving voting therefor.

Senator Smith offered the following amendment:

1. Amend page 2, following line 21, by inserting:

“(3) FOR THE TAX YEAR IN WHICH THE STATE BOARD OF ASSESSORS FIRST DETERMINES THE TRUE CASH VALUE AND TAXABLE VALUE OF PROPERTY UNDER SUBSECTION (2), IF THE PROCEDURES UTILIZED BY THE STATE BOARD OF ASSESSORS TO DETERMINE THE VALUES ARE CHALLENGED AND DECLARED INVALID IN A DECISION RENDERED BY AN APPELLATE COURT AND IF THAT DECISION IS NOT UNDER APPEAL, SECTION (2) IS NOT IN EFFECT.” and renumbering the remaining subsections.

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. 912

Yeas—32

Bennett	Emerson	Leland	Scott
Bullard	Emmons	Miller	Shugars
Byrum	Goschka	Murphy	Sikkema
Cherry	Gougeon	North	Smith
DeBeaussaert	Hammerstrom	Peters	Steil
DeGrow	Hart	Sanborn	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young

Nays—0

Excused—6

Garcia	Koivisto	McManus	Vaughn
Gast	McCotter		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Young and Goschka asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young’s statement is as follows:

Yesterday the Senate Education Committee heard testimony on Senate Bill No. 1423, a bill I introduced which includes Juneteenth as one of the holidays commemorated in Michigan’s public schools. As you know, Juneteenth is the celebration of when the news of abolition reached slaves in the western states. Under this legislation, Juneteenth would join the birthdays of Martin Luther King, Jr., Abraham Lincoln, George Washington, the date of adoption of the federal Constitution, Columbus Day, and Veterans’ Day as days of significance to be commemorated in our schools. It would not create a legal holiday.

I was pleased to work on this bill with the Senator from the 33rd District, who by the way, sent a staff person to testify in favor of the bill. I was dismayed, therefore, when the other Republican members of the committee expressed

opposition of the bill and would not support it moving to the floor, either on the grounds that schools would already do this if they wanted to or that the bill was not supported by the State Board of Education. Neither argument holds much weight given that this Legislature routinely passes bills encouraging schools to undertake activities or empowering them to do things they can already do given the general powers they have through the revised school code.

Additionally, the body routinely dismisses the views of the State Board of Education, stripping them of their powers with which they are vested under the Michigan Constitution. I had hoped that the divisive rhetoric which had been propagated prior to the election was behind us and that we were going to begin a process that recognizes the importance of all Michigan citizens. Yesterday's events lead me to believe that is not the case and that we will continue to give lip service to believing in the value of every citizen, while still treating some as less than equal and less worthy of recognition by the people of the state of Michigan.

Senator Goschka's statement is as follows:

I want to echo many of the comments made by my colleague who just spoke. I certainly respect the chairman and the members of the committee that was just mentioned. I remain open and available to work with that committee in any way possible to pass this resolution. I realize that we can't mandate the education in any particular language within the resolution, and I know that the chairman certainly is acting in that understanding, and I respect that. I do believe that it is important for the children of the state of Michigan to recognize Juneteenth Day. June 19, 1865, was the day in which the slaves in our country were the last to hear of their freedom in the state of Texas.

There are a number of facts in our country that our young people need to hear: In 1945 when Jackie Robinson broke the color barrier in major league baseball and December 2, 1955, when Rosa Parks refused to give her seat up in Montgomery, Alabama. We learned anew and fresh as a country that freedom and liberty is really for all, regardless of color, race, or creed. I think back to the Dred Scott decision of 1857 when an African American was judged to be nearly three-fifths of a person—they were wrong in that decision.

Twenty-one percent of my district are African American, and I recognize the struggles that they go through on a daily basis for the American dream to apply to them as well as to all. And I do appreciate very much working with Senator Young on this resolution. Having said all of that, I must emphasize my total respect for the committee and for the chair. I believe that in the end result, working, together perhaps we can craft some language that will be acceptable, and leave it to the schools to learn what I think all children should learn—the struggles of freedom and liberty in this country. It's ongoing and we ought not to forget any part of the heritage or the history of our country, be it good or bad. We need to know who we were, and that's how we will know who we are.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 708, entitled

A bill to prohibit certain lending practices; to require disclosure of certain information for home loans; to prescribe certain duties and obligations of the lender in a home loan transaction; and to prescribe penalties and provide for remedies.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 709, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 710, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 10a.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 711, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 737.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 712, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 24a.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 713, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4206.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 714, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," (MCL 493.51 to 493.81) by adding section 24a.

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.

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka and Steil

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 Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, November 12, 2002, at 2:12 p.m., Room 810, Farnum Building

Present: Senators Garcia (C), Shugars, Goschka, Steil and Miller

Excused: Senators Scott and Vaughn

The Committee on Finance reported

Senate Bill No. 63, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2568.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1238, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 4, 5, and 9 (MCL 207.4, 207.5, and 207.9), sections 4 and 9 as amended by 1995 PA 257.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1369, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 2, 4, 15, 18, 30, 31, and 32 (MCL 567.222, 567.224, 567.235, 567.238, 567.250, 567.251, and 567.252), sections 18 and 31 as amended by 1997 PA 195, and by adding section 4a.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1422, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 7 and 35a (MCL 208.7 and 208.35a), section 7 as amended by 2001 PA 229 and section 35a as amended by 2000 PA 429.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1500, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 39b and 39e (MCL 208.39b and 208.39e), section 39b as added by 1996 PA 441 and section 39e as added by 2002 PA 531.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1501, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as amended by 2001 PA 168.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1502, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1504, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Peters and Byrum
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5540, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 16 (MCL 567.236).

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Byrum
Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 629, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704), by adding section 418a.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: Senator Emerson

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

The Committee on Health Policy reported

Senate Bill No. 630, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: Senator Emerson

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

The Committee on Health Policy reported

House Bill No. 5552, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17401, 17431, and 17432 (MCL 333.17401, 333.17431, and 333.17432), sections 17401 and 17432 as amended by 1997 PA 151 and section 17431 as amended by 1994 PA 234.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Emerson

Nays: Senators Schwarz and Byrum

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5680, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 5, 6, and 7 (MCL 331.5, 331.6, and 331.7), section 5 as amended by 1984 PA 17 and section 7 as amended by 1983 PA 78.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Emerson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, November 12, 2002, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Emerson

The Committee on Judiciary reported

Senate Bill No. 1400, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1005, 1011, 1019, 1021, and 1023 (MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sections 1005, 1019, and 1023 as added by 1996 PA 388, section 1011 as amended by 1998 PA 298, and section 1021 as amended by 2000 PA 56; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bennett, Bullard and Peters

Nays: Senators Schuette, Dingell and Scott

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 12, at 12:00 p.m, Room 405, Capitol Building

Present: Senators Van Regenmorter (C), Bennett, Bullard, Schuette, Dingell and Scott

Excused: Senators McCotter and Peters

The Committee on Appropriations reported

House Bill No. 5728, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20h (MCL 38.1140h), as amended by 1996 PA 485, and by adding section 20m.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Scott, DeBeaussaert and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 5729, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 4 (MCL 141.424), as amended by 2000 PA 493.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Scott, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5730, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1998 PA 502.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Scott, DeBeaussaert and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, November 12, 2002, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Scott, DeBeaussaert and Dingell

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submitted the following:

Meeting held on Tuesday, November 12, 2002, at 4:15 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Bullard (C), North and Leland

Excused: Senators Steil and Hart

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:27 a.m.

Pursuant to Senate Concurrent Resolution No. 74, the President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, December 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.