

No. 21
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, March 7, 2002.

10:00 a.m.

The Senate was called to order by the Assistant Associate President pro tempore, Senator Arthur J. Miller, Jr.

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

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

Gougeon—excused
Hammerstrom—present
Hart—present
Hoffman—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
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

Senator Mike Goschka of the 33rd District offered the following invocation:

Our dear Father, we do thank You for the opportunity to serve today in the Michigan State Senate. Thank You for giving us the responsibility and the trust of the people to do their business. We would ask today that as we participate in the work in this chamber that we would be ever mindful that You have placed us here and not we ourselves. Give us the spirit of humility. Help us not to think in our own natural ways, but rather to reflect on Your standards and Your values, and help us to make decisions based on Your truth.

We also are mindful of those who are in our armed forces in harms way in Afghanistan and other parts of the world. And today we would also ask for Your hand of mercy and grace on our servicemen and women. Help them to defeat terrorism, and we pray that You would, by Your grace, keep them safe today.

We ask all these things in the Lord Jesus Christ's name. Amen.

Senators Hammerstrom, Sikkema, Emerson, Schuette, Murphy and Cherry entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Garcia be temporarily excused from today's session.
The motion prevailed.

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

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

The following communication was received:

Office of the Auditor General

March 4, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Telecommunication Services and Enterprise Security, Department of Management and Budget, March 2002.

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

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, March 6:
House Bill Nos. 5237 5454 5516 5517 5518 5576 5667 5670 5671 5672 5673

Messages from the Governor

The following messages from the Governor were received:

Date: March 5, 2002

Time: 4:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 496 (Public Act No. 26), being

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic

insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 456 (MCL 500.456), as amended by 1989 PA 214.

(Filed with the Secretary of State on March 6, 2002, at 4:18 p.m.)

Date: March 5, 2002

Time: 4:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 505 (Public Act No. 24), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160.

(Filed with the Secretary of State on March 6, 2002, at 4:14 p.m.)

Date: March 5, 2002

Time: 4:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 718 (Public Act No. 25), being

An act to amend 1969 PA 317, entitled "An act to revise and consolidate the laws relating to worker's disability compensation; to increase the administrative efficiency of the adjudicative processes of the worker's compensation system; to improve the qualifications of the persons having adjudicative functions within the worker's compensation system; to prescribe certain powers and duties; to create the board of worker's compensation magistrates and the worker's compensation appellate commission; to create certain other boards; to provide certain procedures for the resolution of claims, including mediation and arbitration; to prescribe certain benefits for persons suffering a personal

injury under the act; to prescribe certain limitations on obtaining benefits under the act; to create, and provide for the transfer of, certain funds; to prescribe certain fees; to prescribe certain remedies and penalties; to repeal certain parts of this act on specific dates; and to repeal certain acts and parts of acts," by amending section 551 (MCL 418.551), as amended by 1992 PA 269.

(Filed with the Secretary of State on March 6, 2002, at 4:16 p.m.)

Respectfully,
John Engler
Governor

Senators Young and Garcia entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 451

Senate Bill No. 452

The motion prevailed.

Senate Bill No. 885, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 15 (MCL 400.15).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

Senate Bill No. 886, entitled

A bill to amend 1921 PA 59, entitled "An act to relieve the county and state from the support of certain classes of aliens who are subject to deportation from the United States; making an appropriation therefor and providing penalties for the non-performance of duties under the provisions of this act," by amending section 2 (MCL 404.32).

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

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

Senate Bill No. 543, entitled

A bill to amend 1915 PA 312, entitled "Garage keeper's lien act," by amending sections 2, 3, 4, 5, and 6 (MCL 570.302, 570.303, 570.304, 570.305, and 570.306), sections 2 and 3 as amended and sections 4, 5, and 6 as added by 1998 PA 236, and by adding section 10.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 884, entitled

A bill to amend 1919 PA 149, entitled "An act to accept the requirements and benefits of an act of the sixty-fourth congress of the United States, approved February 23, 1917, known as the Smith-Hughes act, or Public Act No. 347, relating to appropriations to be made by the federal government to the several states for the support and control of instruction in agriculture, the trades, industries, and home economics, and for the preparation of teachers of vocational subjects; to designate a state board of control for vocational education; to provide for the proper custody and administration of funds received by the state from such appropriations; and to provide for appropriations by the state and by local school authorities to meet the conditions of said act of congress," by amending sections 7 and 8 (MCL 395.7 and 395.8).

The House of Representatives has passed the bill and ordered that it be given immediate effect.
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 890, entitled

A bill to repeal 1909 PA 263, entitled "An act to authorize the Michigan dairymen's association to hold an annual meeting and such auxiliary meetings as may be determined by the association, and making an appropriation therefor," (MCL 453.451 to 453.452).

The House of Representatives has passed the bill and ordered that it be given immediate effect.
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 888, entitled

A bill to amend 1846 RS 21, entitled "Of specific state taxes and duties," by amending section 30 (MCL 446.30).

The House of Representatives has passed the bill and ordered that it be given immediate effect.
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 894, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26a of chapter XIV and section 6 of chapter XVI (MCL 774.26a and 776.6), section 26a of chapter XIV as amended by 1980 PA 506.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

Senate Bill No. 895, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending sections 49 and 61 (MCL 800.49 and 800.61).

The House of Representatives has passed the bill and ordered that it be given immediate effect.
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate proceeded 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. 748

House Bill No. 4507

House Bill No. 4860

House Bill No. 4937

House Bill No. 5125

House Bill No. 5126

House Bill No. 5585

Senate Bill No. 686

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 748, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3801, 3807, 3809, 3811, 3815, 3819, and 3829 (MCL 500.3801, 500.3807, 500.3809, 500.3811, 500.3815, 500.3819, and 500.3829), as added by 1992 PA 84, and by adding sections 3830 and 3830a; and to repeal acts and parts of acts.

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. 260

Yeas—35

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

Nays—0

Excused—3

Bullard	Gougeon	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Shugars moved that he be named co-sponsor of the bill.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4507, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95).

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. 261

Yeas—35

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

Nays—0

Excused—3

Bullard

Gougeon

Vaughn

Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4860, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43524 (MCL 324.43524), as amended by 1996 PA 585.

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. 262

Yeas—35

Bennett

Garcia

McCotter

Scott

Byrum

Gast

McManus

Shugars

Cherry

Goschka

Miller

Sikkema

DeBeaussaert

Hammerstrom

Murphy

Smith

DeGrow

Hart

North

Steil

Dingell

Hoffman

Peters

Stille

Dunaskiss

Johnson

Sanborn

Van Regenmorter

Emerson

Koivisto

Schuetz

Young

Emmons

Leland

Schwarz

Nays—0

Excused—3

Bullard

Gougeon

Vaughn

Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4937, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43532 (MCL 324.43532), as amended by 1996 PA 585.

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. 263

Yeas—35

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

Nays—0

Excused—3

Bullard	Gougeon	Vaughn
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Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5125, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 360a. 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. 264

Yeas—35

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

Nays—0

Excused—3

Bullard	Gougeon	Vaughn
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Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5126, entitled

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

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. 265

Yeas—35

Bennett	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille

Dunaskiss
Emerson
Emmons

Johnson
Koivisto
Leland

Sanborn
Schuette
Schwarz

Van Regenmorter
Young

Nays—0

Excused—3

Bullard

Gougeon

Vaughn

Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5585, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6013 (MCL 600.6013), as amended by 2001 PA 175.

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. 266

Yeas—35

Bennett
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Bullard

Gougeon

Vaughn

Not Voting—0

In The Chair: Schwarz

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 686, entitled

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

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. 267

Yeas—22

Bennett
DeGrow
Dunaskiss
Emmons
Garcia
Gast

Goschka
Hammerstrom
Hoffman
Johnson
McCotter
McManus

Miller
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto

Leland
Murphy
Peters

Scott
Smith
Young

Excused—3

Bullard

Gougeon

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Bullard and McCotter introduced

Senate Bill No. 1194, 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 22 (MCL 205.22), as amended by 1993 PA 13.

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

House Bill No. 5237, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 685 (MCL 168.685), as amended by 1990 PA 329.

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

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

House Bill No. 5454, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending the title and sections 8 and 9 (MCL 691.1408 and 691.1409), the title as amended by 1986 PA 175.

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

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

House Bill No. 5516, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4406.

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. 5517, 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 16c.

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. 5518, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 1135.

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. 5576, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2001 PA 152, and by adding sections 15a, 15b, 15d, 15f, and 15g.

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

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

House Bill No. 5667, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 9 (MCL 38.9).

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. 5670, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 9 (MCL 78.9).

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. 5671, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 4 (MCL 102.4).

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. 5672, entitled

A bill to amend 1949 PA 123, entitled "An act to provide for the disconnection of land from cities and villages; and to declare the effect thereof," by amending section 4 (MCL 123.34).

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. 5673, entitled

A bill to amend 1879 PA 190, entitled "An act in relation to removals from and filling vacancies in certain public offices," by amending section 1 (MCL 201.91).

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.

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

The motion prevailed.

Senator Shugars' statement is as follows:

I'd like to introduce to my colleagues and our staff a young man from my district. He's a student at Calvin College, and he'll be graduating this Friday. He's here to observe the Senate and the committees today—he's spending the day with me. He's an outstanding young man, his name is Jim Overbeck, and if we could give him a warm welcome, I would appreciate it.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 11, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5504 (MCL 324.5504).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5145, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 1998 PA 463.

With the recommendation that the bill pass.

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Concurrent Resolution No. 48.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of resolution, see Senate Journal No. 85 of 2001, p. 2184.)

With the recommendation that the following substitute (S-2) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, Michigan electric customers have paid \$405.8 million into this federal fund for construction of the federal waste facility; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste facility as soon as possible. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we support the United States Department of Energy and the Nuclear Regulatory Commission in their efforts to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

House Concurrent Resolution No. 55.

A concurrent resolution to urge the United States Forest Service to conduct or authorize an on-site excavation and testing to determine if illegal dumping of hazardous material took place at the former Raco missile site in the Hiawatha National Forest in Chippewa County.

(For text of resolution, see Senate Journal No. 5, p. 49.)

With the recommendation that the concurrent resolution be adopted.

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 5, 2002, at 1:30 p.m., Room 100, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Peters and Young

Excused: Senator Gast

The Committee on Judiciary reported

House Bill No. 5270, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 1 (MCL 780.651), as amended by 1990 PA 43.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5495, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5520, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2000 PA 279.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters and Dingell
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5674, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1998 PA 298 and section 822 as amended by 1998 PA 313, and by adding sections 810a and 8179.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette, Bullard, Peters and Dingell
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, March 6, 2002, at 1:00 p.m, Rooms 402 and 403, Capitol Building
Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Dingell and Peters
Excused: Senator Scott

The Committee on Transportation and Tourism reported

House Bill No. 5504, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 312f, 319b, and 732 (MCL 257.307, 257.312f, 257.319b, and 257.732), section 307 as amended by 2001 PA 159, section 312f as amended by 1992 PA 180, section 319b as amended by 1998 PA 356, and section 732 as amended by 2001 PA 134.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submitted the following:

Meeting held on Wednesday, March 6, 2002, at 9:15 a.m., Room 110, Farnum Building
Present: Senators Bullard (C), Steil, North, Leland and Hart

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Environmental Quality submitted the following:

Meeting held on Tuesday, March 5, 2002, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bennett (C), Gast, North, Smith and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Legislative Council submitted the following:

Meeting held on Tuesday, March 5, 2002, at 1:00 p.m., Room 426, Capitol Building

Present: Senators DeGrow (C), Emmons, Johnson, Cherry, Emerson, Hammerstrom and Leland

Excused: Senators Sikkema and Schwarz

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Meeting held on Tuesday, March 5, 2002, at 1:00 p.m., Room 100, Farnum Building

Present: Senators North (C), Hoffman and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submitted the following:

Meeting held on Tuesday, March 5, 2002, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil, North, Leland and Hart

Scheduled Meetings

Appropriations - Tuesday, March 12, and Wednesday, March 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health - Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Higher Education - Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor; and Tuesday, March 12, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Financial Services - Tuesday, March 12, 3:30 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Tuesday, March 12, 3:00 p.m., Room 100, Farnum Building (373-0793)

Judiciary - Wednesday, March 13, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Michigan Capitol Committee - Tuesday, March 12, 12:00 noon, Room 404, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Tuesday, March 12, 1:30 p.m., Room 100, Farnum Building (373-0797)

Transportation and Tourism -**Subcommittee -**

HB 5497 - Tuesday, March 12, 2:30 p.m., Room 110, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:42 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 12, at 10:00 a.m.

