

No. 38
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, May 1, 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—present
Gast—present
Goschka—present

Gougeon—present
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 Joe Young, Jr., of the 1st District offered the following invocation:

Dear God, please continue to bestow upon us Your many blessings, despite our arrogant ways. Give us the strength so that we may do things in Thy name and by Thy will if it is Your will. Amen.

Senator Byrum entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Bennett, Garcia, Hammerstrom, Schuette and Schwarz be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senator Murphy be temporarily excused from today's session.

The motion prevailed.

Senators Murphy, Hammerstrom, Bennett, Schuette and Garcia entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, April 30:

House Bill No. 5547

Messages from the Governor

The following messages from the Governor were received:

Date: April 30, 2002

Time: 9:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1165 (Public Act No. 244), being

An act to amend 1993 PA 331, entitled "An act to provide for the levy and collection of a state education tax; to create the education finance authority and board; to prescribe the powers and duties of the authority and the board; to provide for the levy of a tax by the authority and the distribution of the tax; and to prescribe the duties of certain state officers," by amending the title and sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

(Filed with the Secretary of State on April 30, 2002, at 2:44 p.m.)

Date: April 30, 2002

Time: 9:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1166 (Public Act No. 243), being

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," (MCL 211.1 to 211.157) by adding section 44d.

(Filed with the Secretary of State on April 30, 2002, at 2:42 p.m.)

Date: April 30, 2002

Time: 2:06 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1007 (Public Act No. 247), being

An act to amend 1996 PA 354, entitled "An act to codify the laws relating to savings banks; to provide for incorporation, regulation, supervision, and internal administration of savings banks; to prescribe the rights, powers,

and immunities of savings banks; to prescribe the powers and duties of certain state agencies and officials; to provide for remedies; and to prescribe penalties,” (MCL 487.3101 to 487.3804) by adding section 514.

(Filed with the Secretary of State on April 30, 2002, at 3:44 p.m.)

Respectfully,
John Engler
Governor

Messages from the House

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

Senate Bill No. 989

The motion prevailed.

House Bill No. 5442, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 241, 479, 479a, and 543h (MCL 750.241, 750.479, 750.479a, and 750.543h), section 479a as amended by 1998 PA 344 and section 543h as added by 2002 PA 113.

(For text of amendments, see Senate Journal No. 37, p. 1030.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 467

Yeas—33

Bennett	Emmons	Johnson	Sanborn
Bullard	Garcia	Koivisto	Schuetz
Byrum	Gast	McCotter	Shugars
Cherry	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Steil
DeGrow	Hammerstrom	Murphy	Stille
Dingell	Hart	North	Van Regenmorter
Dunaskiss	Hoffman	Peters	Young
Emerson			

Nays—3

Leland	Scott	Smith
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Excused—2

Schwarz	Vaughn
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Not Voting—0

In The Chair: President

Protests

Senators Smith and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to the Senate substitute to House Bill No. 5442.

Senator Smith’s statement, in which Senator Scott concurred, is as follows:

I voted “no” on the bill not because I am not interested in protecting judges and magistrates from violence that may occur that is unwarranted; I certainly do support that portion of the bill. But I am very concerned that we have slipped

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 Goschka as Chairperson.

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

House Bill No. 4848, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 486 (MCL 750.486).

House Bill No. 5151, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2607.

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

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

Senate Bill No. 81, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2000 PA 88.

Substitute (S-2).

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

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

House Bill No. 5398, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 37 to chapter VIII.

Substitute (S-1).

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

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

Senate Bill No. 878, entitled

A bill to create the pregnant and parenting student services fund; to provide grants to encourage certain institutions of higher education to establish and operate a pregnant and parenting student services office for pregnant and parenting students attending the institution; to prescribe the powers and duties of a pregnant and parenting student services office; and to prescribe the powers and duties of certain state departments.

Substitute (S-1).

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

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

House Bill No. 4655, entitled

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

Substitute (S-2).

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

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

Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72101, 72103, 72107, and 72110 (MCL 324.72101, 324.72103, 324.72107, and 324.72110), section 72101 as amended by 1997 PA 129 and sections 72103, 72107, and 72110 as added by 1995 PA 58.

Substitute (S-4).

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

During the Committee of the Whole, Senator Schwarz 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. 593

Senate Bill No. 594

Senate Bill No. 595

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 593, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 1993 PA 325.

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. 469

Yeas—36

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

Nays—0

Excused—1

Vaughn

Not Voting—1

Sikkema

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Nays—0

Excused—2

Sikkema

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:09 a.m.

11:17 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senator Sikkema entered the Senate Chamber.

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

House Bill No. 4057

The motion prevailed.

The following bill was read a third time:

House Bill No. 4057, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the title and sections 20161 and 22229 (MCL 333.20161 and 333.22229), the title as amended by 1998 PA 332, section 20161 as amended by 2000 PA 253, and section 22229 as amended by 1993 PA 88, and by adding section 20173.

The question being on the passage of the bill,

Senator Emerson offered the following amendment:

1. Amend page 16, line 15, by striking out all of section 22229.

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

Senator Gougeon offered the following amendments:

1. Amend page 3, line 21, after "ASSESSMENTS" by inserting a comma and "ABOVE THE RATES THAT WERE IN EFFECT ON APRIL 1, 2002".

2. Amend page 6, line 2, by striking out "INCREASE" and inserting "MAINTAIN THE INCREASED".

3. Amend page 6, line 3, after "REIMBURSEMENT" by striking out the balance of the sentence and inserting "RATE INCREASES AS PROVIDED FOR IN SUBDIVISION (E)".

4. Amend page 7, line 1, after "SHALL" by striking out the balance of the sentence and inserting "MAINTAIN THE MEDICAID NURSING HOME REIMBURSEMENT PAYMENT INCREASE FINANCED BY THE QUALITY ASSURANCE ASSESSMENT FEE".

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

The question being on the passage of the bill,

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

Roll Call No. 472**Yeas—29**

Bullard	Garcia	Leland	Scott
Byrum	Gast	McManus	Sikkema
Cherry	Gougeon	Miller	Smith
DeBeaussaert	Hammerstrom	Murphy	Steil
DeGrow	Hart	North	Stille
Dingell	Hoffman	Peters	Van Regenmorter
Emerson	Koivisto	Schwarz	Young
Emmons			

Nays—8

Bennett	Goschka	McCotter	Schuette
Dunaskiss	Johnson	Sanborn	Shugars

Excused—1

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.

Senator Emerson offered to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending the title and section 20161 (MCL 333.20161), the title as amended by 1998 PA 332 and section 20161 as amended by 2000 PA 253, and by adding section 20173.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Shugars, Goschka, Johnson and Dunaskiss, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4057.

Senator Shugars' statement, in which Senators Johnson and Dunaskiss concurred, is as follows:

I voted "no" on the bill that we just passed. The reason I voted "no" is that I just think it's a sad day in America when a state government has to come up with a new tax on nursing homes and a new tax so they can get their fair share from the federal government for Medicaid funding. I think it's just incredible that the federal government provides a system where the only way we can get additional money for our elderly people in nursing homes is to come up with a creative way to tax nursing homes.

As we all know, some nursing homes just don't take Medicaid. They take no Medicaid, and they're going to be paying a tax and not get any benefit at all on this. I just think it's incredible that the federal government holds us hostage by limiting and putting loopholes and attaching strings for Medicaid dollars, so that the only way we can get our fair share for our seniors and our nursing homes is to come up with a gimmick like this—a new tax. I think that it's time for somebody to change things in Washington.

Senator Goschka's statement is as follows:

I voted "no" on House Bill No. 4057 because I believe it is inappropriate for the federal government to coerce the state to come up with a tax increase just so the feds can turn around and therefore give money that's already paid out of the pockets of taxpayers toward nursing homes. This is money that's already been paid out by Michigan citizens and ought to properly go back to the people who need it the most. I think it's wrong that the federal government would have strings attached to the people's money. It's already theirs. They paid it, and it ought to already go toward nursing home care as its intended purpose is. That is why I voted "no" on House Bill No. 4057.

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. 212

Senate Resolution No. 213

The resolution consent calendar was adopted.

Senator Emerson offered the following resolution:

Senate Resolution No. 212.

A resolution of tribute commemorating the courage and heroism of the firefighters of Engine 214, Ladder 111, of the New York City Fire Department.

Whereas, Carl Bedigian, John Florio, Mike Roberts, Kenny Watson, and Lieutenant Chris Sullivan of the New York City Fire Department awoke every day knowledgeable of the dangers of their chosen profession. Unflinchingly, they conquered any fear or doubt and responded to the calls of those in need; and

Whereas, Along with the other members of Engine 214, Ladder 111, they once again responded on the morning of September 11, 2001, their apprehension for potential victims their overriding concern; and

Whereas, Without hesitation, they answered the alarms and the call to their own fate. Many hundreds of lives were spared that morning due to the diligence, bravery, and unqualified heroism of these and many other firefighters; and

Whereas, In so doing, they forged our nation together as one in our grief for those families who suffered, in our desperation for those lost, and in our ultimate pride, respect, and gratitude for the sacrifice made by so many. The example set by these five from Engine 214, Ladder 111, serves as the pinnacle of personal sacrifice and of leadership and bravery; and

Whereas, On September 11 and the days that followed, all the New York City and other rescue workers who responded to this enormous tragedy earned the gratitude of a nation and the highest respect one person can accord another; now, therefore, be it

Resolved by the Senate, That the Michigan Senate, together with surviving members of Engine 214, Ladder 111, including Frederick Saporito, James Noon, Martin Simmons, Kenneth Ditapa, Roy Nicholes, and Raymond Strong—all of whom are with us today—do pay our highest and most reverent respect to those firefighters who perished in the search and rescue attempt on September 11, 2001; and be it further

Resolved, That we hereby accord those aforementioned surviving members of Engine 214, Ladder 111, our heartfelt gratitude and respect for the roles they played in combating terrorism on our home soil; and be it further

Resolved, That copies of this resolution be forwarded to the families of the fallen members of Engine 214, Ladder 111—Lieutenant Chris Sullivan, Carl Bedigian, John Florio, Mike Roberts, and Kenny Watson—as a token of our most humble appreciation for their sacrifice, and to the surviving members of Engine 214, Ladder 111, for the continued efforts of those who serve to this day.

Senator Young was named co-sponsor of the resolution.

Senator Byrum offered the following resolution:

Senate Resolution No. 213.

A resolution of tribute to honor the memory of T. Jeffrey Villaire.

Whereas, It is with deep appreciation for his dedication to serving and inspiring others that we offer this expression of our respect for T. Jeffrey Villaire. With his passing, we have lost an exemplary public servant and friend, a gentleman of great insight and compassion; and

Whereas, Jeff Villaire was born in Bay City, attended Garber High School in Essexville, and graduated from Michigan State University. A 25-year employee of the state of Michigan, he served the people of Michigan at Secretary of State branches, the Bureau of Automotive Regulation at the Department of State, and finally, as director of the Office of Customer Services, Department of State; and

Whereas, Mr. Villaire always did much more than expected in establishing a positive, highly motivational work environment. He excelled at being a coach and cheerleader for all employees he supervised, from the beginning clerical staff to the seasoned section managers. Jeff consistently sought new and creative methods that enabled employees to excel, encouraged them to develop to their highest potential, and rewarded them for excellence; and

Whereas, Jeff Villaire always looked for a win-win outcome in dealing with problem situations in the Office of Customer Services or between administrations, setting aside his own best interests to obtain a solution that would truly be best for the Department of State and the state of Michigan. Jeff was personally motivated to provide outstanding customer service and mentored his staff to never lose sight of the needs of the customers; and

Whereas, Jeff had an unfailing good nature and a positive outlook that readily transferred to all who came in contact with him. Even in times of extreme personal adversity, he was more concerned with the needs of others and always held an optimistic, constructive determination that was inspirational to all; and

Whereas, His positive influence was felt not only by co-workers, but also by administrators of other state and federal agencies that interacted with the Office of Customer Services. Jeff was a valued member of the Motor Carrier Advisory Board and the Commercial Vehicle Information Systems and Networks (CVISN) project steering committees and had successfully negotiated far-reaching legislation on salvaging vehicles; and

Whereas, Jeff Villaire shared his time coaching Okemos-area young people in baseball, basketball, soccer, softball, and life. He volunteered to referee youth sporting events, and he also worked on community sports group fundraisers; and

Whereas, Mr. Villaire lived Christian ethics with a joyful heart and promoted strong values in young people by teaching Sunday school; and

Whereas, Exhibiting fortitude and a steadfast attitude in his battle with cancer, Jeff Villaire was an example to everyone on how to persevere challenging circumstances; now, therefore, be it

Resolved by the Senate, That we honor the memory of T. Jeffrey Villaire, whose determination and encouraging words live on in the lives of family and friends; and be it further

Resolved, That a copy of this resolution be transmitted to the Villaire family as a reflection of our gratitude and condolences.

Senator Emmons 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.

Senators Van Regenmorter, Steil, Stille and Sikkema offered the following resolution:

Senate Resolution No. 211.

A resolution to memorialize the Congress of the United States to enact the Federal Prison Industries Competition in Contracting Act.

Whereas, In 1934, Federal Prison Industries (FPI) was created as a wholly owned government corporation. Today, FPI operates 103 factories, with over 21,000 inmate workers and annual sales of more than \$500 million per year. The operation offers over 150 products. FPI enjoys significant advantages over private manufacturers making similar products because of government procurement policies, including a "mandatory source" requirement for government agencies; and

Whereas, With obvious personnel and benefits advantages over private sector firms, there is a clear penalty to employers and workers under the current situation. Some of the most respected companies in many fields suffer significantly from the unfair competition from FPI; and

Whereas, In Michigan, the impact of current FPI policies has been strongly felt by many working families. Last year, Michigan lost thousands of manufacturing jobs; and

Whereas, Congress is presently considering a measure that would bring comprehensive reforms to the operations of FPI. The Federal Prison Industries Competition in Contracting Act would address directly the present unfair government purchasing policies. This legislation, H.R. 1577, includes specific requirements that FPI would have to follow to achieve fairness and promote the training of inmates. Under the Federal Prison Industries Competition in Contracting Act, FPI would compete for contracts in a manner that minimizes unfair advantages and ensures that government agencies get the best value for taxpayer dollars. The legislation also includes numerous accountability measures, increased emphasis on preparing inmates for a return to society, and enhanced restitution for victims of crime; and

Whereas, A more appropriate approach to prisoner-based manufacturing will not only bring fairness to the marketplace and thousands of America's working families, but it also will enhance the federal corrections system; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Federal Prison Industries Competition in Contracting Act; and be it further

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

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 question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senator Shugars was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

I voted in favor of the bill that gave my nursing homes more money. I don't approve of what the federal government has done with their scheme of asking us to contribute and then giving us more money. Certainly, there are members on this floor who hope they'll be in Congress, and maybe they can change that. But until that time, my nursing homes that are serving a large portion of Medicaid patients need the help, and they need it now. This is what this bill can do for my nursing homes, and that's the reason I supported it.

Committee Reports

The Committee on Finance reported

House Bill No. 5821, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 445 (MCL 380.445).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5822, entitled

A bill to amend 1993 PA 159, entitled "An act to provide for the establishment of a base conversion authority; to prescribe the powers and duties of the base conversion authority; and to provide for conversion of certain bases to civilian uses," by amending section 8 (MCL 3.578).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5823, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4302 (MCL 324.4302).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5836, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 16 (MCL 124.416), as amended by 1983 PA 31.

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, Garcia, 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

House Bill No. 5837, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 23 (MCL 124.473).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5838, entitled

A bill to amend 1956 PA 111, entitled "An act to provide for the acquisition, construction, establishment, opening, altering, improving and maintaining of highways; authorizing contracts between townships and boards of county road commissioners for the same; authorizing townships to finance their share of the cost of the same from its contingent fund, special assessments, and bonds or short term notes issued in anticipation of the receipt of sales tax moneys or general obligation bonds; and to prescribe procedures and conditions relative to the issuance of said bonds or short term notes," by amending sections 4 and 5 (MCL 247.354 and 247.355), section 4 as amended by 1983 PA 109.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5839, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds,

and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10n (MCL 247.660n) as added by 1987 PA 234.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5840, entitled

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds," by amending sections 1 and 3 (MCL 247.701 and 247.703), section 1 as amended by 1998 PA 506 and section 3 as amended by 1988 PA 152; and to repeal acts and parts of acts.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5841, entitled

A bill to amend 1963 PA 55, entitled "An act to provide for the incorporation of public authorities to acquire, own, and operate or cause to be operated mass transportation systems; to require the state to guarantee payment of certain claims against certain transportation authorities and to give the state a lien in satisfaction of payment; to prescribe the rights, powers, and duties of those public authorities; to provide for the issuance of bonds; to provide for the levy and collection of certain taxes; and to authorize contracts between those authorities and either public or private corporations to carry out the operation of those mass transportation systems," by amending section 7 (MCL 124.357), as amended by 1983 PA 137.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5842, entitled

A bill to amend 1911 PA 28, entitled "An act to authorize the board of supervisors of any county to raise by taxation or borrow money for the purpose of purchasing real estate for sites for, and constructing or repairing public buildings and bridges; to limit the amount that can be raised or borrowed for such purpose by such boards in certain cases; to authorize such boards to submit the question of raising or borrowing money for such purposes to the electors of their certain counties; to provide for the manner of submission; and to repeal Act No. 41 of the Public Acts of 1909, entitled "An act limiting the amount which may be raised in any county in any 1 year by the board of supervisors," approved April twenty-first, 1909," by amending section 1 (MCL 141.71).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5843, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 22 (MCL 224.22).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5844, entitled

A bill to repeal 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," (MCL 252.51 to 252.64).

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, Garcia, 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
House Bill No. 5846, entitled

A bill to repeal 1927 PA 109, entitled "An act to authorize cities to raise by loan, or borrow money for the construction, improvement, repair and maintenance of bridges and to issue bonds of the said cities to secure repayment thereof and validating proceedings heretofore taken authorizing the issuance of such bonds," (MCL 254.81 to 254.83).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5847, entitled

A bill to repeal 1911 PA 6, entitled "An act to authorize any city within this state, bordering upon any navigable stream which is the boundary line between this state and any other state, in conjunction with any city bordering upon said navigable stream in said other state, to construct and maintain bridges across said stream between said cities," (MCL 254.91 to 254.94).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5848, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 131 (MCL 259.131).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5849, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 205 (MCL 330.1205), as amended by 2000 PA 228.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5851, entitled

A bill to repeal 1919 PA 305, entitled "An act to authorize the issue of bonds; to provide sites for and for the erection thereon of public libraries and for additions to and improvements of such sites and the buildings thereon, whether now existing or hereafter acquired, in cities, villages and school districts where free public libraries have or may hereafter be established," (MCL 397.241 to 397.246).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5852, entitled

A bill to amend 1988 PA 265, entitled "District library financing act," by amending sections 4, 5, and 9 (MCL 397.284, 397.285, and 397.289), sections 4 and 5 as amended by 1989 PA 25.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5854, entitled

A bill to amend 1913 PA 261, entitled "An act to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes," by amending section 2 (MCL 397.262).

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5855, entitled

A bill to amend 1917 PA 5, entitled "An act authorizing organized townships and incorporated villages in the state of Michigan to borrow money and to issue bonds therefor for the purpose of establishing free public libraries, purchasing sites and constructing buildings thereon," by amending section 4 (MCL 397.324); and to repeal acts and parts of acts.

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, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, April 30, 2002, at 1:02 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, April 11, 2002, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Hoffman (C), North and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, April 18, 2002, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Hoffman (C), North and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submitted the following:
Meeting held on Wednesday, April 24, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators North (C), Goschka and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Thursday, April 25, 2002, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Hoffman (C), North and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submitted the following:
Meeting held on Thursday, April 25, 2002, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto, Young and Murphy

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:
Meeting held on Thursday, April 25, 2002, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Goschka (C) and Gougeon
Excused: Senator Murphy

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:
Meeting held on Friday, April 26, 2002, at 9:30 a.m., City/County Building/Auditorium, Coleman A. Young
Municipal Center, 2 Woodward Avenue, Detroit
Present: Senators Hoffman (C) and Young
Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
Meeting held on Friday, April 26, 2002, at 10:15 a.m., Room 210, Farnum Building
Present: Senators Garcia (C) and Scott
Excused: Senators Shugars, Goschka, Steil, Miller and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 30, 2002, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schwarz (C), Johnson and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submitted the following:

Meeting held on Tuesday, April 30, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bennett (C), Stille and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, April 30, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bennett (C), Stille and Young

Scheduled Meetings

Appropriations - Tuesday, May 7 and Wednesday, May 8, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

General Government - Tuesday, May 7, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Natural Resources - Tuesday, May 14, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

State Police and Military Affairs - Thursday, May 2, 8:30 a.m., Room 110, Farnum Building (373-2426)

Economic Development, International Trade and Regulatory Affairs - Tuesday, May 14 and May 21, 1:00 p.m., Room 110, Farnum Building (373-7946)

Government Operations - Thursday, May 2, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation and Tourism - Thursday, May 2, 9:30 p.m., Room 100, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:32 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

