

No. 71
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, October 17, 2001.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

Bennett—present
Bullard—present
Byrum—present
Cherry—excused
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—excused
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
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Lord, we give thanks for the seasons. That of romance, planting, politics, and harvest are past. Deer hunters give thanks that theirs is here. We hunt deer because we love to and because the National Safety Council says it is more safe than sports such as badminton, golf, and table tennis. Because we love the environs where deer are found, which are invariably beautiful; because of all the television commercials, cocktail parties, and assorted social posturing we have had to endure recently that we will escape; because in a world where most men seem to spend their lives doing things they hate, our hunting is at once an endless source of delight and an act of small rebellion; because deer do not lie or cheat and cannot be bought or bribed or impressed by power, but respond only to quietude and humility and endless patience; because we suspect that men are going along this way for the last time, and we don't want to waste the trip. Because mercifully there are no telephones in most deer blinds; because only in the woods can we find solitude without loneliness; because libations out of an old tin cup tastes better out there; and finally, not because we regard hunting as being so terribly important, but because we suspect that so many of the other concerns are equally unimportant and nowhere near as much fun. We give thanks.

Senator Smith entered the Senate Chamber.

Motions and Communications

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

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

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

Senator Schwarz entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 16:
House Bill Nos. 4022 4995 5028 5029

The Secretary announced the printing and placement in the members' files on Tuesday, October 16, of:
Senate Bill No. 715

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Shugars 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:

Senate Bill No. 682, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

Senate Bill No. 683, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

Senate Bill No. 684, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 1999 PA 156.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:11 a.m.

10:21 a.m.

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

Resolutions

Senator Hammerstrom moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 11

The motion prevailed.

Senators Hammerstrom, Shugars, Bullard, Stille, Gougeon, Gast, McCotter, Sikkema, Johnson, McManus, Van Regenmorter, Steil, North, Schuette, Garcia and Goschka offered the following resolution:

Senate Resolution No. 120.

A resolution to memorialize the Congress of the United States to fund special education at the level provided for in federal law.

Whereas, In 1975, the Individuals with Disabilities Act was enacted into law by Congress to outline the services to education that the states must provide to guarantee the rights of students with disabilities. This legislation also called for the federal government to provide 40 percent of the cost of funding the special education services; and

Whereas, In reality, however, the federal government has not funded special education at anything near 40 percent of the true cost. Instead, Congress generally appropriates between 6 and 15 percent per year. The money coming from Washington to fund this mandate is clearly inadequate. As special education needs continue to rise, this underfunding takes a larger toll on state resources for the education of all students; and

Whereas, Providing services for special education students requires a significant commitment of resources. The annual costs for educating a student with a disability can sometimes be as much as \$25,000—far beyond the funding provided for a student in regular education. The strain of paying for these services, especially as the number of students in need of special education services rises, threatens the quality of education in our state and nation; and

Whereas, There is legislation pending in Congress to set a formula for federal funding increases to reach the 40 percent threshold. Several educators have noted that the enactment of such legislation could be the most effective move that could be made to strengthen education in this country; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to fund special education at the level provided for in federal law; 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 Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Education.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Cherry introduced

Senate Bill No. 716, entitled

A bill to divide the state into 15 congressional districts; to prescribe the powers and duties of certain state departments and officers; and to repeal acts and parts of acts.

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

Senators Koivisto and Gougeon introduced

Senate Bill No. 717, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 19 (MCL 125.1519).

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

Senator Bullard introduced

Senate Bill No. 718, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 551 (MCL 418.551), as amended by 1992 PA 269.

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

Senators McCotter, Garcia, Johnson, Bullard, Hammerstrom and Goschka introduced

Senate Bill No. 719, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency," (MCL 400.1501 to 400.1511) by adding section 11.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Goschka, Johnson, Bullard, Garcia, McCotter and Hammerstrom introduced

Senate Bill No. 720, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 7 (MCL 28.257).

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

Senators Garcia, Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced

Senate Bill No. 721, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending sections 2 and 3 (MCL 28.242 and 28.243), section 2 as amended by 1988 PA 40 and section 3 as amended by 1999 PA 266.

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

Senators Goschka, Bullard, Johnson, Garcia, McCotter and Hammerstrom introduced

Senate Bill No. 722, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2000 PA 220.

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

Senators Johnson, Bullard, Garcia, McCotter, Hammerstrom and Goschka introduced

Senate Bill No. 723, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 2000 PA 462 and section 81a as amended by 1999 PA 270.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Bullard, Garcia, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 724, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

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

Senators Sikkema, Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 725, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2972.

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

Senators Van Regenmorter, Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 726, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2b (MCL 28.422b), as added by 1994 PA 338.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Sikkema, Johnson, Garcia, Bullard, Hammerstrom and Goschka introduced
Senate Bill No. 727, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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

Senators Garcia, Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 728, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

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

Senators Hammerstrom, Johnson, Bullard, Garcia, McCotter and Goschka introduced
Senate Bill No. 729, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2950d, 2950e, 2950f, and 2950g.

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

Senators Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 730, 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 sections 4 and 5 (MCL 780.654 and 780.655).

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

Senators Van Regenmorter, Johnson, Bullard, Garcia, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 731, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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

Senators Scott, Johnson, Bullard, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 732, entitled

A bill to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody proceeding involving this state and a proceeding or party outside of this state; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Bullard, Garcia, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 733, entitled

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

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

Senators Hammerstrom, Garcia, Johnson, Bullard, McCotter and Goschka introduced
Senate Bill No. 734, entitled

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

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

Senators Bullard, Johnson, Garcia, McCotter, Hammerstrom and Goschka introduced
Senate Bill No. 735, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV and section 9a of chapter X (MCL 764.15b and 770.9a), section 15b of chapter IV as amended by 1999 PA 269 and section 9a of chapter X as amended by 1994 PA 195.

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

Senators Scott, DeBeaussiaert, Smith, Dingell, Cherry, Murphy, Emerson, Peters, Koivisto, Byrum, Miller, Young, McCotter, Bullard, Leland, Garcia, Hammerstrom and Goschka introduced

Senate Bill No. 736, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 19 (MCL 552.519), as amended by 1998 PA 63.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Johnson, Garcia and Hammerstrom introduced

Senate Bill No. 737, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1165. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Bullard introduced

Senate Bill No. 738, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2021 (MCL 600.2021). The bill was read a first and second time by title and referred to the Committee on Financial Services.

Senators Garcia and Stille introduced

Senate Bill No. 739, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending the title and sections 35, 41, 42, and 43 (MCL 125.1035, 125.1041, 125.1042, and 125.1043), section 42 as amended by 1994 PA 365.

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

Senators Garcia and Stille introduced

Senate Bill No. 740, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2000 PA 415; and to repeal acts and parts of acts.

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

Senators Garcia and Stille introduced

Senate Bill No. 741, entitled

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

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

Senator Stille introduced

Senate Bill No. 742, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 27a (MCL 125.227a).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Stille introduced

Senate Bill No. 743, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 27a (MCL 125.297a).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Stille introduced

Senate Bill No. 744, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 12 (MCL 125.592).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Hammerstrom, Stille and Garcia introduced

Senate Bill No. 745, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 3 (MCL 125.2303).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4022, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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 Transportation and Tourism.

House Bill No. 4995, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as amended by 2000 PA 384, and by adding section 16h.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 5028, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as amended by 2000 PA 385, and by adding section 16h.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 5029, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 20 (MCL 125.600), as amended by 2000 PA 383, and by adding section 4f.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Scheduled Meetings

Appropriations - Wednesday, October 24, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Capital Outlay, Joint - Thursday, October 18, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Detroit Metro Airport Review - Thursday, October 18, 1:00 p.m., Room 810, Farnum Building, and Tuesday, October 23, 2:00 p.m., Room 210, Farnum Building (373-1801)

Economic Development, International Trade and Regulatory Affairs - Tuesday, October 23, 1:00 p.m., Room 110, Farnum Building (373-7946)

Great Lakes Conservation Task Force - Thursday, October 18, 6:00 p.m., Northern Michigan University, Don H. Bollum University Center, Ontario Room, 2nd Floor, 1401 Presque Isle Avenue, Marquette; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorrin Boulevard, Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:31 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, October 18, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.